



**LAWYERS FOR
CIVIL RIGHTS
BOSTON**

March 18, 2025

VIA EMAIL AND CERTIFIED MAIL

William F. Galvin
Secretary of the Commonwealth of Massachusetts
1 Ashburton Place
Boston, MA 02108

RE: Notice of Non-compliance with the National Voter Registration Act of 1993

Dear Secretary Galvin:

Lawyers for Civil Rights (“LCR”) writes on behalf of the Massachusetts Voter Table, MassVOTE, New England Community Project, NUBE East Boston, the eligible voters they represent, and those similarly situated, to inform you that your office and the Massachusetts Department of Public Health (“DPH”)—and, therefore, the Commonwealth—are currently in violation of the National Voter Registration Act (the “NVRA” or the “Act”), 52 U.S.C. §§ 20501, *et. seq.* The NVRA dictates that state agencies that provide public assistance must also offer voter registration services, including supplying voter registration applications alongside all public benefits applications. It also tasks each state’s chief election official with implementing the Act’s requirements. DPH is violating the NVRA because its four public hospitals, which provide public assistance to patients within the meaning of the Act, are failing to furnish patients with the requisite voter registration applications and other registration services. As a result, your office is in breach of its responsibility to ensure Commonwealth compliance with the Act.

These infractions are particularly problematic due to the patient populations of public hospitals, which are heavily composed of low-income individuals and people of color.¹ As these groups have been historically disenfranchised, the Commonwealth should be going the extra mile to ensure that all eligible voters within them have sufficient means to get and stay on the voter rolls. Instead, it is failing to do the bare minimum to achieve those goals as required by federal law.

This letter constitutes formal notice of NVRA violations pursuant to 52 U.S.C. § 20510. However, in the interest of avoiding litigation and reaching an amicable and expedited resolution, we are requesting an immediate meeting with your office to discuss compliance.

I. The NVRA’s Purpose and Requirements

The primary aims of the NVRA, as stated in the statute, are to “establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office” and

¹ See American Hospital Association, *The Value of Membership – Public Hospitals*, <https://www.aha.org/2017-05-11-value-membership-public-hospitals> (last visited Feb. 21, 2025) (stating that “more than half of public hospital patients are racial and ethnic minorities, and a majority of patients are uninsured or qualify for Medicaid”).

“enhance[] the participation of eligible citizens as voters” in those elections. 52 U.S.C. § 20501(b). To those ends, the NVRA outlines a series of affirmative steps that state and local governments must take to register voters within their jurisdictions.

Section 9 of the NVRA requires states to designate a “chief State election official” that will “be responsible for coordination of State responsibilities” under the Act. 52 U.S.C. § 20509. The Secretary of the Commonwealth is that official in Massachusetts. The Act also compels all states to “designate” certain public offices as “voter registration agencies.” 52 U.S.C. § 20506. Those agencies (“VRAs”) must include all state government entities that: (1) “provide public assistance”; and (2) “provide State-funded programs primarily engaged in providing services to persons with disabilities.” *Id.* The statute also outlines certain services that VRAs “shall” provide, including distribution of voter registration applications, assistance for applicants in filling out those applications, and acceptance of completed applications for transmittal to the relevant state election official. *Id.* Further, the NVRA requires any such agencies that disseminate applications for public assistance to “distribute with each application for such ... assistance, and with each [related] recertification, renewal, or change of address form ... the mail voter registration application form” outlined in 52 U.S.C. § 20508(a)(2). *Id.*

Public hospitals that supply and assist patients with public benefits applications are state entities that “provide public assistance” within the meaning of Section 6 of the NVRA and are thus mandatory VRAs that must provide the above-listed voter registration services. Indeed, the Second Circuit ruled decisively on this issue in *Disabled in Action of Metropolitan New York v. Hammons*. The Court considered whether New York City’s public hospitals—which were “offices of local government” assisting patients with Medicaid applications—were providing public assistance such that they were mandatory VRAs under the Act. 202 F.3d 110, 120, 123-124 (2nd Cir. 2000). The defendants argued that the answer was no, contending that the phrase “provide public assistance” refers only to the actual payment of benefits, which the hospitals were not doing. *Id.* at 123. But the Court disagreed. It examined the NVRA’s text and history and held that the hospitals were mandatory VRAs because “the drafters of the NVRA intended the phrase ‘public assistance’ to have a broader meaning that includes not only the payment process, but the application process as well.” *Id.* at 124.

II. The Commonwealth’s Failure to Comply with the NVRA at its Public Hospitals

The Commonwealth currently operates a system of four public hospitals through the Bureau of Public Health Hospitals, which falls under the umbrella of DPH. The medical facilities in that system are Lemuel Shattuck Hospital, Pappas Rehabilitation Hospital for Children, Tewksbury Hospital, and Western Massachusetts Hospital (together, “the Hospitals”). All the Hospitals employ social workers or other staff members who supply and assist patients and their families with applications for various state and federal benefits programs—including, among others, the Supplemental Nutrition Assistance Program (“SNAP”) and Medicaid—and provide ongoing case management services related to those benefits once they have been awarded.

By distributing benefits applications to Massachusetts residents and assisting them with the completion of those applications, the Hospitals all constitute mandatory voter registration

agencies within the meaning of the NVRA.² *See Disabled in Action*, 202 F.3d at 120, 124. The Hospitals’ provision of ongoing case management services related to those public assistance programs further bolsters this conclusion.

However, it has come to our attention that the Hospitals are not furnishing the required voter registration services concomitant with their status as mandatory VRAs under the NVRA. Not only are the Hospitals violating 52 U.S.C. § 20506(6) by routinely failing to provide patients with any forms or information related to voter registration when they supply those patients with public benefits applications;³ but also, the Hospitals appear to be contravening Section 20506 more broadly by neglecting to implement procedures for either distributing and accepting voter registration applications or helping patients to complete those applications. As a result, patients that should be receiving such voter registration services when they interface with hospital social workers and other staff simply are not getting those services.

DPH’s failure to provide voter registration services at the hospitals is illegal and unacceptable. As it is your office’s duty to oversee Commonwealth compliance with the NVRA, your office is legally responsible for the NVRA violations at the hospitals and the harm they inflict on eligible Massachusetts voters. Amidst a resurgence of malicious voter suppression efforts in the federal government and across the United States,⁴ Massachusetts should be spearheading the movement to enhance and protect access to the ballot box. But the Commonwealth cannot take on that critical mantle while it is neglecting its obligations under the NVRA.

III. Meeting Request & Action Steps

LCR and the organizations joining this letter request an emergency meeting with your office to review these violations of the NVRA and ensure that they do not recur in the short or long term. We would prefer to work in concert with you to achieve a swift resolution, protect Massachusetts residents, and avoid the unnecessary delays and costs attendant to litigation.⁵

² The Hospitals also fall within the scope of agencies designated as VRAs under your office’s regulations that implement the NVRA in Massachusetts. Those regulations specifically designate as voter registration agencies “all state agencies that provide public assistance” including “those agencies that administer or provide services under the Supplemental Nutrition Assistance Program (SNAP), [and] Medicaid” among other benefits programs. 950 CMR § 57.02.

³ It is worth noting that, unlike MassHealth applications, application forms for other types of public benefits programs generally do not include sections related to voter registration.

⁴ *See* Wendy R. Weiser & Andrew Garber, *SAVE Act Would Undermine Voter Registration for All Americans*, BRENNAN CENTER FOR JUSTICE, Feb. 11, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/save-act-would-undermine-voter-registration-all-americans>; Nick Corasaniti & Alexandra Berzon, *Under the Radar, Right-Wing Push to Tighten Voting Laws Persists*, N.Y. TIMES, May 8, 2023, <https://www.nytimes.com/2023/05/08/us/politics/voting-laws-restrictions-republicans.html>.

⁵ It is worth noting that LCR and Massachusetts voting rights groups have previously filed and settled a lawsuit against the Commonwealth regarding NVRA violations. *See* Press Release, LCR, Voting Rights Advocates and Massachusetts Officials Announce Settlement (June 17,

As a starting point, the following are action steps we believe your office must take immediately:

- Inform the Hospitals that they are mandatory VRAs under federal law;
- Issue guidance to the Hospitals about what their duties are as VRAs;
- Instruct the Hospitals to begin providing the required voter registration services immediately;
- Assist the Hospitals in developing and implementing policies regarding the provision of voter registration services to ensure continuing compliance with the law;
- Amend your offices' regulations to explicitly designate the Hospitals as VRAs; and
- Adopt oversight protocols within your office to ensure that the Hospitals begin to meet their obligations immediately and going forward.

We look forward to hearing from you quickly about this urgent matter and to discussing these critical action steps with you as soon as possible. To facilitate a meeting, please reach out to Jacob Love at jlove@lawyersforcivilrights.org.

Sincerely,

/s/ Jacob M. Love
Senior Attorney
Lawyers For Civil Rights

CC:

Michelle Tassinari
Director and Legal Counsel, Elections Division
Office of the Secretary of the Commonwealth

Robert Goldstein, MD, PhD
Commissioner of the Massachusetts Department of Public Health

2015), <https://lawyersforcivilrights.org/our-impact/voting-rights/voting-rights-advocates-and-massachusetts-officials-announce-settlement/>.