



QUESTION 4: DRIVER'S LICENSES FOR UNAUTHORIZED IMMIGRANTS

October 2022

EXECUTIVE SUMMARY

Earlier this year, Massachusetts legislators passed a law allowing unauthorized immigrants to apply for state-issued driver's licenses.

Now, with Ballot Question 4, voters are being asked to either affirm or annul the law before it can take effect.

At its core, Question 4 is about the rights we afford to unauthorized immigrants living in our state. What kinds of support and recognition should they receive? And what aspects of American life should be preserved for citizens and legal residents?

Currently in Massachusetts, unauthorized immigrants can attend public schools, obtain free school meals, receive some housing assistance, and qualify for public health services like vaccinations. But they are not allowed to vote, claim unemployment benefits, or participate in many federal programs like Medicaid or food stamps.

Question 4 lets voters decide where driver's licenses fit in this broader picture, weighing issues like the safety of our transportation system and the impact on immigrants' daily lives.

As part of our commitment to help voters understand state ballot questions, we have examined the text of this new law, reviewed relevant research, and spoken with experts and advocates on both sides of the issue.

In the sections that follow, we describe this ballot initiative in greater detail and discuss the likely impact of “yes” and “no” votes.

We found that:

- Offering licenses to unauthorized immigrants will encourage them to purchase cars, get insurance, and receive the training needed to pass a road test. What is more, it will reduce pressure to avoid police and publicly safety officers out of fear that simple traffic enforcement could lead to deportation.
- State-issued driver’s licenses would not alter people’s immigration status or expand access to other benefits. However, they would offer some new legitimacy to unauthorized immigrants. Whether this is appropriate is a major part of what voters are being asked to decide.
- While questions have been raised about the technical challenges of offering driver’s licenses to unauthorized immigrants, Massachusetts should be able to accomplish this in a way that sufficiently verifies a person’s identity and prevents any accidental voter registration, just as [16 other states already do](#).
- Despite some safeguards, it’s still possible that a program of licenses for unauthorized immigrants could be used to identify and track people in future.

WHAT QUESTION 4 WOULD DO

Question 4 is a “veto referendum,” meaning it asks voters to affirm — or reject — a recent state law. A “yes” vote maintains the law; a “no” vote annuls it.

In this case, the law in question is the “Act Relative to Work and Family Mobility,” which creates a framework for unauthorized immigrants to obtain Massachusetts driver’s licenses.

In particular, this law:

- Allows individuals who are not lawfully present in the United States — and therefore ineligible for federally sanctioned driver’s licenses in the Real ID program — to obtain a state-sanctioned Massachusetts driver’s license.
- Specifies that in order to prove “their identity, date of birth, and Massachusetts residency” applicants need to show either a valid foreign passport or consular identification along with other material— and that their full application must include a document with a photograph. Passports are generally considered highly trustworthy; and while [some questions have been raised about consular IDs](#), they are accepted by other states and [major institutions like banks](#).
- Blocks the Registry of Motor Vehicles (RMV) from recording an applicant’s citizenship status or sharing information about applicants. At the same time, the law acknowledges that the RMV may be compelled to share information by federal law or regulations from the attorney general.
- Instructs the RMV to ensure that unauthorized immigrants who apply for licenses aren’t automatically registered to vote; this automatic voter registration is common practice for citizens who get driver’s licenses.

If Question 4 passes, this law would take effect on July 1, 2023.

HOW DID WE GET HERE?

Offering driver’s licenses to unauthorized immigrants is not a new idea; versions of this law have been introduced and reintroduced in Massachusetts [for nearly two decades](#). More recently, a range of other states have embraced the approach.

When the “Act Relative to Work and Family Mobility” passed the Massachusetts Legislature last spring, it was vetoed by Governor Charlie Baker, who cited [a number of potential technical challenges](#).

Support from legislators was sufficiently widespread to overturn the governor’s veto and enact the law.

Relatively quickly, however, opponents regrouped and successfully pushed for Question 4 to appear on this November’s ballot, giving voters a chance to block implementation.

IMPACT OF A “YES” VOTE

A “yes” vote on Question 4 would allow unauthorized immigrants to obtain Massachusetts driver’s licenses, thereby triggering a range of changes at the RMV, across our roadways, and in the treatment of unauthorized immigrants.

At the RMV

Despite vocal concerns, the actual implementation of this law should be straightforward. Many other states have already traveled this path, and with some technical tweaks and additional training the Massachusetts RMV should be able to follow.

One common concern is that unauthorized immigrants applying for driver’s licenses might register to vote. However, the RMV already handles cases of people who are eligible to drive but not vote — including lawful immigrants with green cards and new drivers under 18. The same approach could be adapted for unauthorized immigrants.

Separately, there are worries that RMV agents may have difficulty assessing the validity of foreign documents. But the universe of acceptable documents under this law is relatively narrow, and the requirement to present either a passport or consular identification ensures a fairly high level of standardization — as does the need for certified translations. Forgeries are certainly possible, but forging official documents may be riskier than driving without a license.

To check these conclusions, we spoke to a representative from the motor vehicle division of another state offering licenses for unauthorized immigrants; they confirmed that implementation has been straightforward and largely trouble-free.

We also spoke with the Massachusetts Secretary of State's Office, which confirmed that it has no concerns about increased voter fraud under this law.

Across our roadways

Many unauthorized immigrants are currently driving without licenses, because driving is so fundamental to daily life in much of Massachusetts — whether for work, to run errands, to drop kids off, or otherwise.

Offering licenses to unauthorized immigrants would thus spark two sets of changes:

- 1) Many individuals who are currently driving illegally would get licenses and become law-abiding drivers. They would be more likely to take driving classes, register their vehicles, and [obtain auto insurance](#).

Having a license would also make these drivers more likely to heed police requests and share information after accidents — without the risk that fender-benders and traffic violations would trigger immigration enforcement.

- 2) Those unauthorized immigrants uncomfortable driving without a license could now obtain one, making them more likely to buy cars, get training, and seek farther-flung jobs.

Allowing these folks to get driver's licenses could generate some economic benefits, including a boost in car sales and increased state revenue from [license and registration fees at the RMV](#) and [additional taxes](#) paid by unauthorized immigrants with expanded work schedules.

But the economic impact is likely limited.

New vehicle sales will be constrained by the fact that many unauthorized immigrants already have cars that they drive illegally. And any new revenue for the RMV will be offset by training and implementation costs, not to mention shrinking fines for those caught driving without a license.

More broadly, the impact of providing driver's licenses to unauthorized immigrants is often two-sided.

For instance, while these licenses [seem to reduce hit-and-run accidents](#), they also increase the number of drivers, which exacerbates known challenges like traffic and pollution.

Note, finally, that while having a car makes it easier for unauthorized immigrants to [commute to work](#) or expand the small businesses they're already running, these immigrants don't actually have the right to work in this country.

New legitimacy for unauthorized immigrants

Driver's licenses would not only give unauthorized immigrants in Massachusetts the right to drive legally, they would also provide a new kind of official recognition — in the form of a state-issued document that affirms their identity without reference to their legal status.

For opponents, such formal recognition can seem inappropriate, considering that the federal government controls immigration policy and unauthorized immigrants lack the lawful authority to be in the country.

By contrast, supporters may count this as a step toward greater acceptance of immigrant families, making it easier to drive and also smoothing

mundane interactions like presenting ID to enter a building or to purchase behind-the-counter medications.

Long-term risk for unauthorized immigrants

Implementing this law will require the RMV to create some kind of digital record for applicants — complete with an indication of their ineligibility to vote (and possibly also some information about which documents were used for identity verification, like a foreign passport.)

As a result, organizations or agencies looking to collect information on unauthorized immigrants may seek access to these records.

Doing so would not be easy.

Federal law limits sharing of driver information, and the state law being tested in Question 4 explicitly says that RMV records “shall neither be a public record nor be disclosed by the registrar.” So interested groups couldn’t simply file public records requests and expect the RMV to comply.

Moreover, RMV records won’t say “non-citizen” or “unauthorized immigrant”; that, too, is precluded. So any approach would have to be indirect, perhaps requesting records of people who are eligible to drive but not vote — which would include those under 18 or with green cards, among others.

Still, the “Act Relative to Work and Family Mobility” acknowledges the potential need to release records “as required by federal law or as authorized by regulations promulgated by the attorney general.”

So while the risk that driver’s license records will be used to track unauthorized immigrants is hard to pin down, it isn’t imaginary. Other states with similar programs [have indeed shared information](#) with U.S. Immigration and Customs Enforcement.

A presidential administration cracking down on unauthorized immigrants could demand RMV records as part of its effort. A future Massachusetts attorney general could pursue new rules to ease

access. Or, at any point, hackers could potentially infiltrate the RMV system and expose records.

If Question 4 passes, unauthorized immigrants will need to decide for themselves whether the benefits of having a license outweigh these risks. And support for this law from many immigrants’ rights groups suggests a general comfort with the trade-off.

IMPACT OF A “NO” VOTE

If a majority of voters choose “no” on Question 4, then plans to offer driver’s licenses to unauthorized immigrants would be blocked.

Instead, Massachusetts would maintain its current rules and regulations for unauthorized immigrants, many of whom would continue to drive without licenses or insurance.

A “no” vote would also signal voters’ broader discomfort with expanding rights for unauthorized immigrants in Massachusetts, which could limit other efforts in this same direction, like the push for [certain tax credits](#).

CONCLUSION

A “yes” vote on Question 4 would affirm a law passed earlier this year allowing unauthorized immigrants to obtain driver’s licenses in Massachusetts.

Unauthorized immigrants would gain some new official legitimacy — in the form of a state-issued license — and they’d be more likely to get insurance, pursue driver training, and comply with law enforcement.

A “yes” vote also raises a hard-to-quantify risk that RMV records could be used to track and identify unauthorized immigrants.

Voting “no” annuls this law before it can take effect, thus maintaining the status quo in Massachusetts. Some unauthorized immigrants would continue to drive illegally, and the state would not legitimize this activity.

We at the Center for State Policy Analysis do not take a position on Question 4 — or any ballot initiative — but we hope this brief gives voters the information they need to make a sound decision on this complex issue.



Contributors

In assembling this report, the Center for State Policy Analysis was aided by a number of experts as well as parties on both sides of Question 4. However, the final contents reflect our best judgment and are not necessarily endorsed by reviewers.

Author

Evan Horowitz

Executive Director

CENTER FOR STATE POLICY ANALYSIS
TISCH COLLEGE, TUFTS UNIVERSITY

Reviewer

Sari Kerr

Senior Research Scientist

Wellesley Centers for Women
WELLESLEY COLLEGE