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SENATE BILL NO. 80

Offered January 11, 2006

Prefiled January 6, 2006

A BILL to amend and reenact §§ 24.2-411.1 and 24.2-445 of the Code of Virginia, relating to voter registration at offices of the Department of Motor Vehicles and registration records.

Patron—Watkins

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-411.1 and 24.2-445 of the Code of Virginia are amended and reenacted as follows:**

§ 24.2-411.1. Offices of the Department of Motor Vehicles.

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department to:

1. Apply for, replace, or renew a driver's license;
2. Apply for, replace, or renew a special identification card; or
3. Change an address on an existing driver's license or special identification card.

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. The notification and the registered voter's registration record shall be transmitted as directed by the State Board of Elections to the appropriate general registrar who shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-424.

C. The completed voter registration portion of the application shall be transmitted as directed by the State Board not later than five business days after the date of receipt.

D. The State Board of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number of any applicant for voter registration.

F. The Department of Motor Vehicles shall maintain a copy of any completed application submitted to it until 30 days after the next general election. This copy may be maintained electronically. The Department shall provide a copy of any application to a general registrar, local electoral board, or the State Board of Elections for the purpose of determining the validity of a provisional ballot. This copy may be transmitted to a general registrar, local electoral board, or the State Board of Elections by facsimile or other electronic means.

§ 24.2-445. Registration records controlling in event of conflict.

In the event of a conflict as to whether a person is registered to vote, the registration and voting records in the possession of the general registrar shall be controlling.

If the records in the possession of the general registrar do not include an application to register to vote, but the Department of Motor Vehicles has a copy of a properly completed and signed application

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59 *that was submitted to it, the voter shall be deemed to be registered as of the date such application was*
60 *submitted to the Department.*