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HOUSE BILL NO. 3168

Offered January 19, 2007

A BILL to amend and reenact §§ 24.2-411.1 and 24.2-652 of the Code of Virginia, relating to elections; voter registration at offices of Department of Motor Vehicles; evidence of registration.

Patron—Dance

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-411.1 and 24.2-652 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~~ *three* business days after the date of receipt *and may be transmitted as directed by the State Board by facsimile or electronic means.*

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.

§ 24.2-652. Voter whose name erroneously omitted from pollbook.

When a person offers to vote and his name does not appear on the pollbook, the officers of election shall permit him to vote only:

1. if all of the following conditions are met:

~~1a.~~ *1a.* An officer of election is informed by the general registrar that the voter is registered to vote, that his registration has not been cancelled, and that his name is erroneously omitted from the pollbook;

~~2b.~~ *2b.* The voter signs a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is a qualified and registered voter of that precinct, a resident of that precinct, and his registration is not subject to cancellation pursuant to §§ 24.2-430, 24.2-431, and 24.2-432; and he provides, subject to such penalties, all the information required to identify himself including social security number, if any, full name including the maiden or any other prior legal name, birthdate, and

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59 complete address.; *and*
60 3c. ~~The~~ the officer of election enters the identifying information for the voter on the pollbook; *or*
61 2. *if all of the following conditions are met:*
62 a. *the voter presents proof meeting criteria established by the State Board that he registered in a*
63 *timely manner at an office of the Department of Motor Vehicles;*
64 b. *the voter completes an application for registration, subject to felony penalties for false statements*
65 *pursuant to § 24.2-1016; and*
66 c. *the officer of election enters the identifying information for the voter on the pollbook.*
67 When the voter has signed the statement *or application* and is permitted to vote, the officers of
68 election shall mark his name on the pollbook with the next consecutive number from the voter count
69 form, or shall enter that the voter has voted if the pollbook is in electronic form, and shall indicate on
70 the pollbook that he has signed the required statement *or application* in accordance with the instructions
71 of the State Board.