

12103221D

HOUSE BILL NO. 670

Offered January 11, 2012

Prefiled January 11, 2012

A BILL to amend and reenact §§ 24.2-411.1 and 24.2-424 of the Code of Virginia, relating to voter registration and change of address at offices of Department of Motor Vehicles and change of address.

Patrons—Surovell, Kory, Plum, Scott, J.M. and Watts

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-411.1 and 24.2-424 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, or any part thereof, of any applicant for voter registration.

F. The Department of Motor Vehicles shall promptly provide by electronic or other means to the State Board of Elections the original or a copy of any form that has been submitted in person, by mail, or by other means to change the address on a driver's license or special identification card except those forms on which the filer has indicated that the change of address is not for voter registration purposes. Change of address forms submitted to the Department electronically online shall be signed by the voter in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.).

§ 24.2-424. Change of registered voter's address within the Commonwealth; pilot project.

A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. Such notice may be made in

59 person, in writing, by return of the voter registration card noting the new address, or on a form
60 approved by the State Board of Elections, which may be electronic. The notice in writing may be
61 provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign,
62 in which case his own mark acknowledged by a witness shall be sufficient signature. The State Board is
63 authorized to conduct a pilot program, under which electronic notice may be provided by electronic mail
64 or such other electronic means as may be permitted by the State Board and signed by the voter in a
65 manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a
66 voter provides an address on a candidate or referendum petition that differs from the address for the
67 voter on the voter registration system shall not be deemed sufficient notice, in and of itself, to change
68 the voter's registration address. Any statements made by any voter applying for transfer are subject to
69 felony penalties for making a false statement pursuant to § 24.2-1016.

70 B. If the voter has moved within the same county or city, on receipt of the notification, the general
71 registrar for that county or city shall (i) enter the new address on the registration record; (ii) if satisfied
72 that the registered voter has moved into another precinct within the same county or city, transfer the
73 registration of the voter to that precinct; and (iii) issue the voter a new voter registration card. This
74 transfer may be entered in the registration records at any time the registration records are not closed
75 pursuant to § 24.2-416.

76 C. Any request for transfer or change of address within the Commonwealth delivered to any registrar
77 shall be forwarded to the general registrar for the city or county in the Commonwealth where the voter
78 now resides. When forwarding said notice, or upon request from the registrar for the county or city
79 where the voter now resides, the registrar for the county or city where the voter formerly resided shall
80 forward the original application for registration to the registrar for the voter's new locality.

81 D. Upon receipt of the voter's original registration application, and notice as specified in subsection
82 A of this section indicating the voter's current residence, the registrar for the county or city in which the
83 voter currently resides shall: (i) enter the new address on the registration record; (ii) if satisfied that the
84 registered voter has moved into a precinct within that county or city, transfer the registration of the
85 voter to that precinct; (iii) issue the voter a new voter registration card; and (iv) through the Virginia
86 voter registration system, notify the registrar of the locality where the voter formerly resided that the
87 registration has been transferred. This transfer may be entered in the registration records at any time the
88 registration records are not closed pursuant to § 24.2-416.

89 E. If the original registration application is no longer available to the registrar in the city or county
90 where the voter formerly resided, either of the following shall be sent to and accepted by the registrar in
91 the city or county where the voter now resides in lieu of such application: (i) an unsigned voter card (or
92 "conversion card") used as the voter record upon the creation of the statewide voter registration system
93 or (ii) a replacement record provided by the State Board to replace damaged files in the registrar's
94 office. If no other record is available, then the registrar of the voter's former locality shall provide
95 written notification to the registrar of the locality in which the voter now resides that none of the
96 required documents are available. In this instance only, the registrar of the locality in which the voter
97 now resides shall copy the voter's record from the Virginia voter registration system and use that record
98 in lieu of the original voter registration application. Any complete voter registration application on a
99 form previously authorized for use in Virginia shall be valid for the purposes of continuing or
100 transferring a voter's registration within the Commonwealth.

101 F. *The State Board shall forward to the appropriate general registrar a copy of the change of*
102 *address form forwarded to the State Board by the Department of Motor Vehicles pursuant to subsection*
103 *B or F of § 24.2-411.1 that has been used to change the address on a driver's license or special*
104 *identification card. The State Board shall provide instructions for the verification of the change of*
105 *address by the general registrar.*