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HOUSE BILL NO. 1574

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on January 30, 2015)

(Patron Prior to Substitute—Delegate Pogge)

A *BILL to amend and reenact §§ 24.2-411.1, 24.2-411.2, 24.2-416.2, 24.2-416.7, and 24.2-418 of the Code of Virginia, relating to voter registration; proof of citizenship.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-411.1, 24.2-411.2, 24.2-416.2, 24.2-416.7, and 24.2-418 of the Code of Virginia is 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 FALSE STATEMENT CONCERNING CITIZENSHIP OR ANY OTHER 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. The Department and State Board shall cooperate in the prompt transmittal by electronic or other means of the notification to the appropriate general registrar.

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. The Department and State Board shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of the application to the appropriate general registrar.

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 provide assistance as required in providing voter registration cards containing the voter's photograph and signature as provided in subdivision A 3 of § 24.2-404.

§ 24.2-411.2. State-designated voter registration agencies.

A. The following agencies are designated as voter registration agencies in compliance with the National Voter Registration Act (52 U.S.C. § 20501 et seq.) and shall provide voter registration opportunities at their state, regional, or local offices, depending upon the point of service:

1. Agencies whose primary function is to provide public assistance, including agencies that provide benefits under the Temporary Assistance for Needy Families program; Special Supplemental Food

60 Program for Women, Infants, and Children; Medicaid program; or Food Stamps program;
61 2. Agencies whose primary function is to provide state-funded programs primarily engaged in
62 providing services to persons with disabilities;
63 3. Armed Forces recruitment offices; and
64 4. The regional offices of the Department of Game and Inland Fisheries and the offices of the
65 Virginia Employment Commission in the Northern Virginia Planning District 8.
66 B. The Commissioner of Elections, with the assistance of the Office of the Attorney General, shall
67 compile and maintain a list of the specific agencies covered by subdivisions A 1 and A 2 that, in the
68 legal opinion of the Attorney General, must be designated to meet the requirements of the National
69 Voter Registration Act. The Commissioner of Elections shall notify each agency of its designation and
70 thereafter notify any agency added to or deleted from the list.
71 C. At each voter registration agency, the following services shall be made available on the premises
72 of the agency:
73 1. Distribution of mail voter registration forms provided by the State Board of Elections;
74 2. Assistance to applicants in completing voter registration application forms, unless the applicant
75 refuses assistance; and
76 3. Receipt of completed voter registration application forms.
77 D. A voter registration agency, which provides service or assistance in conducting voter registration,
78 shall make the following services available on the premises of the agency:
79 1. Distribution with each application for its service or assistance, or upon admission to a facility or
80 program, and with each recertification, readmission, renewal, or change of address form, of a voter
81 registration application prescribed by the State Board of Elections that complies with the requirements of
82 the National Voter Registration Act (52 U.S.C. § 20501 et seq.).
83 2. Provision, as part of the voter registration process, of a form that includes:
84 a. The question: "If you are not registered to vote where you live now, would you like to apply to
85 register to vote here today?"
86 b. If the agency provides public assistance, the statement: "Applying to register or declining to
87 register to vote will not affect the amount of assistance that you will be provided by this agency."
88 c. Boxes for the applicant to check to indicate whether the applicant would like to register, declines
89 to register to vote, or is already registered (failure to check any box being deemed to constitute a
90 declination to register for purposes of subdivision 2 a), together with the statement (in close proximity
91 to the boxes and in prominent type): "IF YOU DO NOT CHECK ANY BOX, YOU WILL BE
92 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."
93 d. The statement: "If you would like help in filling out the voter registration application form, we
94 will help you. The decision whether to seek help or accept help is yours. You may fill out the
95 application form in private."
96 e. The statement: "If you believe that someone has interfered with your right to register or to decline
97 to register to vote, or your right to privacy in deciding whether to register or in applying to register to
98 vote, you may file a complaint with the State Board of Elections." The statement shall include the
99 address and telephone number of the State Board.
100 f. The following statement accompanying the form which features prominently in boldface capital
101 letters: "WARNING: INTENTIONALLY MAKING A *FALSE STATEMENT CONCERNING*
102 *CITIZENSHIP OR ANY OTHER* MATERIALLY FALSE STATEMENT ON THIS FORM
103 CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER
104 VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN
105 PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."
106 3. Provision to each applicant who does not decline to register to register to vote of the same degree of
107 assistance with regard to the completion of the voter registration application as is provided by the office
108 with regard to the completion of its own applications, unless the applicant refuses assistance.
109 E. If a voter registration agency designated under subsection A of this section provides services to a
110 person with a disability at the person's home, the agency shall provide the voter registration services as
111 provided for in this section.
112 F. A person who provides services at a designated voter registration agency shall not:
113 1. Seek to influence an applicant's political preference;
114 2. Display any material indicating the person's political preference or party allegiance;
115 3. Make any statement to an applicant or take any action the purpose or effect of which is to lead
116 the applicant to believe that a decision to register or not to register has any bearing on the availability of
117 services or benefits; or
118 4. Disclose, except as authorized by law for official use, the social security number, or any part
119 thereof, of any applicant for voter registration.
120 Any person who is aggrieved by a violation of this subsection may provide written notice of the
121 violation to the State Board of Elections. The Board shall be authorized to cooperate with the agency to

122 resolve the alleged violation. Nothing contained in this subsection shall prohibit an aggrieved person
 123 from filing a complaint in accordance with § 24.2-1019 against a person who commits any election law
 124 offense enumerated in §§ 24.2-1000 through 24.2-1016.

125 G. A completed voter registration application shall be transmitted as directed by the State Board of
 126 Elections not later than five business days after the date of receipt.

127 H. Each state-designated voter registration agency shall maintain such statistical records on the
 128 number of applications to register to vote as requested by the State Board of Elections.

129 **§ 24.2-416.2. Mail voter registration application forms.**

130 Notwithstanding the provisions of §§ 24.2-418 and 24.2-418.1, the national mail voter registration
 131 application form promulgated by the Federal Election Commission pursuant to the National Voter
 132 Registration Act (52 U.S.C. § 20501 et seq.) shall be accepted for the registration of otherwise qualified
 133 voters to vote in federal, state, and local elections. In addition to the national form promulgated by the
 134 Federal Election Commission, the State Board of Elections shall design and distribute a state mail voter
 135 registration application form. Such state form shall include the eligibility requirements for registration as
 136 provided in this title, shall provide for a receipt for the applicant pursuant to § 24.2-418.1, and shall
 137 require each applicant to provide the information required subject to felony penalties for making false
 138 statements pursuant to § 24.2-1016.

139 Each state form shall be accompanied by the following statement featured prominently in boldface
 140 capital letters: "WARNING: INTENTIONALLY MAKING A *FALSE STATEMENT CONCERNING*
 141 *CITIZENSHIP OR ANY OTHER* MATERIALLY FALSE STATEMENT ON THIS FORM
 142 CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER
 143 VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN
 144 PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

145 **§ 24.2-416.7. Application for voter registration by electronic means.**

146 A. Notwithstanding any other provision of law, a person who is qualified to register to vote may
 147 apply to register to vote by electronic means as authorized by the State Board by completing an
 148 electronic registration application.

149 B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of
 150 §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence
 151 within the Commonwealth by electronic means as authorized by the State Board by completing an
 152 electronic registration application.

153 C. An electronic registration application completed pursuant to this article shall require that an
 154 applicant:

- 155 1. Provide the information as required under § 24.2-418;
- 156 2. Have a Virginia driver's license or special identification card issued by the Department of Motor
 157 Vehicles;
- 158 3. Provide a social security number and Department of Motor Vehicles customer identifier number
 159 that matches the applicant's record in the Department of Motor Vehicles records;
- 160 4. Attest to the truth of the information provided;
- 161 5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act
 162 (§ 59.1-479 et seq.); and
- 163 6. Affirmatively authorize the State Board and general registrar to use the applicant's signature
 164 obtained by the Department of Motor Vehicles for voter registration purposes.

165 D. In order for an individual to complete a transaction under this article, the general registrar shall
 166 verify that the Department of Motor Vehicles customer identifier number, date of birth, and social
 167 security number provided by the applicant match the information contained in the Department of Motor
 168 Vehicles records.

169 E. The Department of Motor Vehicles shall provide to the State Board a digital copy of the
 170 applicant's signature on record with the Department of Motor Vehicles.

171 F. The State Board shall transmit to the general registrar an applicant's completed voter registration
 172 application and digital signature not later than five business days after the date of receipt.

173 G. Each transaction taking place under this section shall be accompanied by the following statement
 174 featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A *FALSE*
 175 *STATEMENT CONCERNING CITIZENSHIP OR ANY OTHER* MATERIALLY FALSE STATEMENT
 176 DURING THIS TRANSACTION CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS
 177 PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO
 178 UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

179 H. The State Board may use additional security measures to ensure the accuracy and integrity of
 180 registration transactions performed under this article.

181 **§ 24.2-418. Application for registration.**

182 A. Each applicant to register shall provide, subject to felony penalties for making false statements

183 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless
184 physically disabled, he shall sign the application. The application to register shall be only on a form or
185 forms prescribed by the State Board.

186 The form of the application to register shall require the applicant to provide the following
187 information: full name; gender; date of birth; social security number, if any; whether the applicant is
188 presently a United States citizen; address of residence in the precinct; place of last previous registration
189 to vote; and whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and
190 if so, under what circumstances the applicant's right to vote has been restored. The form shall contain a
191 statement that ~~whoever votes voting~~ more than once in any election in the same or different jurisdictions
192 ~~or intentionally making a false statement concerning citizenship on the form shall be guilty of~~ is a Class
193 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.1 or 24.2-411.2, the registration
194 application shall not be pre-populated with information the applicant is required to provide.

195 B. The form shall permit any individual, as follows, or member of his household, to furnish, in
196 addition to his residence street address, a post office box address located within the Commonwealth to
197 be included in lieu of his street address on the lists of registered voters and persons who voted, which
198 are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for
199 public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to
200 § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the
201 post office box address provided under this subsection.

202 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20),
203 but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

204 2. Any party granted a protective order issued by or under the authority of any court of competent
205 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

206 3. Any party who has furnished a signed written statement by the party that he is in fear for his
207 personal safety from another person who has threatened or stalked him, accompanied by evidence that
208 he has filed a complaint with a magistrate or law-enforcement official against such other person;

209 4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2; and

210 5. Any active or retired federal or Virginia justice or judge and any active or retired attorney
211 employed by the United States Attorney General or Virginia Attorney General.

212 C. If the applicant formerly resided in another state, the portion of the application to register listing
213 an applicant's place of last previous registration to vote, or a copy thereof, shall be retained by the
214 general registrar for the city or county where the applicant resides, and the general registrar shall send
215 the original or a copy to the appropriate voter registration official or other authority of another state
216 where the applicant formerly resided.