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HOUSE BILL NO. 1112

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact § 24.2-411.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-411.3, relating to voter registration at the DMV; REAL ID compliant applications.

Patrons—Rasoul and Levine

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-411.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-411.3 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 of Motor Vehicles 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.

Registration of persons who complete an application that satisfies the requirements of the REAL ID Act of 2005 shall be completed in accordance with the provisions of § 24.2-411.3.

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 Department of Elections to the appropriate general registrar who shall send confirmation documents of the transfer to the voter pursuant to § 24.2-424. The Department of Motor Vehicles and Department of Elections 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 Department of Elections not later than five business days after the date of receipt. The Department of Motor Vehicles and Department of Elections 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 Department 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 photo identification cards as provided in subdivision A 3 of § 24.2-404.

§ 24.2-411.3. Voter registration; REAL ID compliant applications.

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59 A. The Department of Motor Vehicles shall electronically transmit to the Department of Elections, in
60 accordance with the standards set by the State Board, the information prescribed in subsection B for
61 any person 17 years of age or older who comes into an office of the Department of Motor Vehicles to
62 apply for, replace, or renew a driver's license or special identification card, the application for which
63 satisfies the requirements of the REAL ID Act of 2005, unless the applicant affirmatively declines to
64 have his information so transmitted. The option to affirmatively decline shall be accompanied by a
65 statement that intentionally making a materially false statement during the transaction and that voting
66 more than once in any election in the same or different jurisdictions are both punishable under Virginia
67 law as a felony.

68 B. For each person who completes an application for a driver's license or special identification card
69 that satisfies the requirements of the REAL ID Act of 2005, the Department of Motor Vehicles shall
70 electronically transmit to the Department of Elections, in accordance with the standards set by the State
71 Board, the following information:

- 72 1. Full name;
- 73 2. Date of birth;
- 74 3. Gender;
- 75 4. Residence address;
- 76 5. Citizenship status;
- 77 6. Driver's license number and social security number;
- 78 7. Digital signature;
- 79 8. Telephone number and email address, if available;
- 80 9. An affirmation by the person, subject to felony penalties for making false statements pursuant to §
81 24.2-1016, that he meets all voter eligibility requirements, including those related to felony convictions
82 and adjudications of mental incapacitation; and
- 83 10. Any additional information as may be required by the State Board.

84 C. The Department of Elections shall use the information transmitted to determine whether the
85 person already has a registration record in the voter registration system.

86 1. For any person who does not yet have a registration record in the voter registration system, the
87 Department of Elections shall verify, in accordance with the standards set by the State Board, that the
88 person meets all voter eligibility requirements and, if so finding, shall transmit the information to the
89 appropriate general registrar. The general registrar shall register such person in accordance with the
90 provisions of this chapter.

91 The Department of Elections shall hold for transmittal the information of a person under the age of
92 18 who otherwise meets all voter eligibility requirements but fails to qualify for advance registration
93 under § 24.2-403.

94 2. For any person who already has a registration record in the voter registration system or if the
95 information indicates that the voter has moved to another general registrar's jurisdiction within the
96 Commonwealth, the Department of Elections shall transmit the information and the registration record
97 to the appropriate general registrar, who shall update the voter's registration record or treat such
98 transmittal as a request for transfer and process it in accordance with the provisions of this chapter.

99 3. The Department of Elections and the general registrars shall not register any person who does not
100 satisfy all voter eligibility requirements.

101 2. That the provisions of this act shall become effective on January 1, 2019.