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SENATE BILL NO. 1571

Offered January 9, 2019

Prefiled January 9, 2019

A BILL to amend and reenact §§ 24.2-423 and 24.2-424 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3.2 of Chapter 4 of Title 24.2 a section numbered 24.2-416.8, relating to electronic voter registration; application by electronic means; U.S. Department of Defense-issued identification.

 Patron—Lewis

 Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-423 and 24.2-424 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-416.8 as follows:

§ 24.2-416.8. Application for voter registration by electronic means for military personnel.

A. As used in this section:

"Department of Defense" means the U.S. Department of Defense.

"Department of Defense-issued identification card" means any identification card issued by the Department of Defense that is approved for use for the purposes of registering to vote in Virginia according to the terms of the agreement between the Department of Elections and the Department of Defense.

"Agreement" means any agreement between the Department of Defense and the Department of Elections to provide access by the Department of Elections to information contained in Department of Defense records in order to facilitate voter registration by electronic means using a Department of Defense-issued identification card. The agreement shall include any additional terms necessary for the Department of Elections to ensure the accuracy and integrity of the information during registration transactions performed under this section.

B. Notwithstanding the provisions of subsections C through H of § 24.2-416.7, pursuant to the agreement between the Department of Elections and the Department of Defense, an electronic registration application may be completed according to the provisions of this section.

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

1. Provide the information as required under § 24.2-418;
 2. Have a Department of Defense-issued identification card;
 3. Provide a social security number and a unique identifier that matches the applicant's record with the Department of Defense;

4. Attest to the truth of the information provided;

5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.); and

6. Affirmatively authorize the Department of Elections and general registrar to use the applicant's signature obtained by the Department of Defense for voter registration purposes.

D. In order for an individual to complete a transaction under this section, the Department of Elections shall verify that the unique identifier, date of birth, and social security number provided by the applicant match the information contained in the Department of Defense records.

E. The Department of Defense shall provide to the Department of Elections a digital copy of the applicant's signature on record with the Department of Defense.

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

G. Each transaction taking place under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT DURING THIS TRANSACTION 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."

H. The Department of Elections may use additional security measures approved by the State Board to ensure the accuracy and integrity of registration transactions performed under this section.

§ 24.2-423. Notice of change of name of registered voter.

Whenever a registered voter changes his legal name, either by marriage, divorce, order of court, or

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SB1571

otherwise, the voter shall promptly notify the general registrar of the jurisdiction where he is registered. Such notice may be made in writing or on a form approved by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 or 24.2-416.8 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The general registrar shall enter the new name on the registration records and issue the voter a new voter registration card.

§ 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 person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 or 24.2-416.8 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be sufficient notice to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.

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

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

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

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