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HOUSE BILL NO. 1854

Offered January 14, 1999

A BILL to amend and reenact § 24.2-411.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 24.2-404.2 and 46.2-208.1, relating to the administration of voter registration laws and the National Voter Registration Act.

Patrons—Van Landingham, Callahan, Councill, Croshaw, DeBoer, Dickinson, Hall, Murphy, Parrish and Putney; Senators: Gartlan, Holland, Miller, K.G., Norment, Walker and Whipple

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 sections numbered 24.2-404.2 and 46.2-208.1 as follows:

§ 24.2-404.2. National Voter Registration Act Coordinating Committee created.

There is hereby established a National Voter Registration Act Coordinating Committee, consisting of the chief deputy, or comparably ranked employee, of the State Board of Elections, a deputy commissioner, or comparably ranked employee, of the Department of Motor Vehicles, representatives of three additional agencies designated as voter registration agencies pursuant to § 24.2-411.2, which agencies shall be specified by the Secretary of the State Board, and five general registrars who shall be appointed by the Voter Registrars Association of Virginia. The Committee shall coordinate implementation of the National Voter Registration Act and make recommendations to the Secretary of the State Board of Elections. The chief deputy of the State Board shall chair the meetings of the Committee.

§ 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 § 24.2-425.

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

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60 authorized by law for official use, the social security number of any applicant for voter registration.

61 *F. The Department shall provide to each applicant who does not decline to register to vote the same*
62 *degree of assistance with regard to the completion of the voter registration application as is provided by*
63 *the Department with regard to the completion of its own applications, unless the applicant refuses*
64 *assistance.*

65 *§ 46.2-208.1. Electronic transfer of information in Department records for voter registration*
66 *purposes.*

67 *Notwithstanding the provisions of § 46.2-208, the Commissioner shall provide for the electronic*
68 *transfer of information from the Department's records to the State Board of Elections and the general*
69 *registrars for the purpose of voter registration as required by Chapter 4 of Title 24.2. Except as*
70 *provided in § 24.2-444, the State Board of Elections and the general registrars shall not make*
71 *information provided by the Department available to the public and shall not provide such information*
72 *to any third party.*