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**HOUSE BILL NO. 1910**

Offered January 9, 2013

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*A BILL to amend and reenact §§ 24.2-411.1, 24.2-424, and 46.2-208.1 of the Code of Virginia, relating to voter registration; change of address at offices of the Department of Motor Vehicles; and electronic transfer of information in the Department of Motor Vehicles records for voter registration purposes.*

Patron—Surovell

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-411.1, 24.2-424, and 46.2-208.1 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. 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. A registered voter may complete a notice of voter registration change of address during the completion of an online change of address for a driver's license or special identification card with the Department of Motor Vehicles. The registered voter shall sign the change of address request in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The Department of

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59 *Motor Vehicles shall electronically transmit to the State Board of Elections the notice of voter*  
60 *registration change of address when requested by the applicant, along with the applicant's digitized*  
61 *signature stored in his record in with the Department of Motor Vehicles. The State Board and*  
62 *Department of Motor Vehicles shall implement appropriate security measures to ensure the accuracy*  
63 *and integrity of transactions performed under this subsection.*

64 **§ 24.2-424. Change of registered voter's address within the Commonwealth.**

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

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

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

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

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

109 F. *The State Board shall establish a method by which it will forward to the appropriate general*  
110 *registrar the electronic notice of a change of address received by the State Board from the Department*  
111 *of Motor Vehicles pursuant to subsection B or F of § 24.2-411.1 that has been used to change the*  
112 *address on a driver's license or special identification card. The State Board shall provide instructions*  
113 *for the verification of the change of address by the general registrar.*

114 **§ 46.2-208.1. Electronic transfer of information in Department records for voter registration**  
115 **purposes.**

116 A. Notwithstanding the provisions of § 46.2-208, the Commissioner shall provide for the electronic  
117 transfer of information from the Department's records to the State Board of Elections and the general  
118 registrars for the purpose of voter registration as required by Chapter 4 (§ 24.2-400 et seq.) of Title  
119 24.2, including but not limited to the purposes of § 24.2-410.1. Except as provided in §§ 24.2-404 and  
120 24.2-444, the State Board of Elections and the general registrars shall not make information provided by

the Department available to the public and shall not provide such information to any third party.

*B. The Department shall establish a method by which an applicant for a driver's license or an identification card change of address may designate his willingness to have an address change notice sent electronically to the State Board of Elections, with his digitized signature contained in his records with the Department.*

**2. That this act shall become effective on July 1, 2014. In the interim, the Department of Motor Vehicles shall implement a method by which a voter registration application can be displayed to an applicant conducting an online Virginia driver's license, identification card, or address change transaction when the applicant indicates the desire to apply to register to vote or change his voter registration address as a part of such transaction. The voter registration application thus displayed shall contain data elements common to both the online DMV transaction and the voter registration application. In order to complete the voter registration process, the applicant must print the voter registration application, complete the voter registration application entirely answering all questions, sign the voter registration application, and mail the application to the State Board of Elections or the applicant's general registrar. The applicant's address shall not be changed for voter registration purposes until the applicant's general registrar has received the application, deemed it acceptable, and processed the voter address change.**

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