

## **Department of Planning and Budget 2019 Fiscal Impact Statement**

**1. Bill Number:** HB2266

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Poindexter

**3. Committee:** Privileges and Elections

**4. Title:** Voter registration; confirmation of citizenship; E-Verify program.

**5. Summary:** Requires the Department of Elections to apply to participate in the E-Verify program operated by the U.S. Department of Homeland Security in partnership with the Social Security Administration for verifying that voters listed in the Virginia voter registration system are United States citizens. General registrars are required to use information obtained from the program to determine the eligibility of persons registering to vote when the citizenship status of an applicant is in question and to remove from the voter registration rolls those individuals found to not be citizens of the United States.

**6. Budget Amendment Necessary:** Indeterminate – see Item 8.

**7. Fiscal Impact Estimates:** Preliminary – see Item 8.

**8. Fiscal Implications:** The Department of Elections (ELECT) will incur costs to implement the provisions of this bill, which requires an ongoing verification that voters in the Virginia Election and Registration Information System (VERIS) are United States citizens. This bill requires ELECT to participate in the E-Verify program operated by the U.S. Department of Homeland Security (DHS). ELECT would need approval to participate in the program before the agency could enter into a memorandum of agreement (MOA) with the U.S. Citizenship and Immigration Services. Once approval is granted and the MOA has been agreed to, the State Board of Elections will have to promulgate rules and regulations governing the use of the immigration and citizenship status information received from the E-Verify program. The proposed legislation also requires general registrars to use information obtained from the E-Verify program to determine the eligibility of persons registering to vote when the citizenship status of an applicant is in question and to remove individuals from the voter registration rolls found to not be United States citizens.

The changes needed for VERIS to implement the provisions of this bill will include the following at a minimum:

- Change the voter registration module to communicate with the E-Verify program;
- Add a new type of registration (currently VERIS has active, inactive, cancelled);
- Modify all reports in VERIS to accommodate the new registration type;

- Develop new reports to allow localities and the state to identify voter registrations through E-Verify; and
- Develop correspondence in VERIS that is generated when a voter falls into the new category.

In addition to the changes above, ELECT will undertake the following tasks:

- Modify the agency information technology (IT) Strategic Plan to include the E-Verify project; and
- Obtain Virginia Information Technologies Agency (VITA) project approval since the estimated cost will exceed \$500,000.

If the changes required by this bill are planned and incorporated into the modernization of VERIS prior to final lock down of changes that is anticipated to happen by July 1, 2019, current funding appropriated for the system's enhancements could be used to reduce the bill's fiscal impact. ELECT estimates that it will take approximately one year to make the required VERIS modifications, which can be completed with three contractors at a total cost of \$780,000 (an average hourly salary of \$130 per hour for 2,000 hours each).

**9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Elections, State Board of Elections, localities, and United States Department of Homeland Security.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** According to the DHS website, E-Verify is a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. E-Verify employers verify the identity and employment eligibility of newly hired employees by electronically matching information provided by employees on the Form I-9, Employment Eligibility Verification, against records available to the Social Security Administration (SSA) and the Department of Homeland Security. If the legislation is passed, it is unclear if ELECT would be able to access E-Verify data to confirm whether a voter is a United States citizen.