

Department of Planning and Budget 2019 Fiscal Impact Statement

1. **Bill Number:** SB1038-E

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Peake

3. **Committee:** Privileges and Elections

4. **Title:** Voter registration; verification of social security numbers, provisional registration status.

5. **Summary:** Requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (State Board) before registering such applicant. If the information provided by the applicant does not match the information in such a database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot, but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with current law, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this measure and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access. The engrossed version of the bill has a delayed effective date of July 1, 2021.

6. **Budget Amendment Necessary:** See Item 8.

7. **Fiscal Impact Estimates:** Indeterminate; see Item 8.

8. **Fiscal Implications:** The fiscal impact of this bill is indeterminate and are expected to depend on a number of factors detailed below. The bill has a delayed effective date of July 1, 2021, and costs to implement the bill's provisions are expected to be incurred beginning in fiscal year 2021.

Modifications for Provisional Registration Status:

This bill would require general registrars to individually validate the name, date of birth, and social security number (SSN) provided by the voter registration applications with those on file with the Social Security Administration or other database approved by the Board of Elections (SBE). If the information provided by the applicant does not match the information on file, the general registrar shall "provisionally register" the individual, which permits them to submit a provisional ballot on election day and provide the individual time to submit documents to prove qualifications. This creates a new category of voter registration status and would require the Department of Elections (ELECT) to modify the statewide voter election and registration information system (VERIS) and the electronic pollbook system to accommodate the new category of voters for those provisionally registered. Necessary changes are expected to include the following at a minimum:

- Add a new type of registration (currently we have active, inactive, cancelled)
- Modify all reports in VERIS to accommodate the new registration type
- Develop new reports to meet needs of locals and the state to identify the pending registrations
- Modify the electronic pollbook system to accommodate the new registration type
- Develop correspondence in VERIS that is generated when a voter falls into this new category

ELECT is currently in the process of completing a multiyear project to modernize VERIS. If the modifications necessary to accommodate the new voter registration status are incorporated into this existing project, the impact of such modification are expected to be minimal. It is expected that the required changes could be implemented by the bill's delayed effective date of July 1, 2021, assuming no significant changes to the project's current overall timeline, according to ELECT.

However, a proposed amendment to HB17000 (Item 83 #2h) would prohibit the expenditure of funds to substantially rebuild VERIS until ELECT, in consultation with the Virginia Information Technologies Agency, has (i) solicited feedback from the GR/EB Duties Workgroup, (ii) developed a product requirements document, and (iii) developed a draft request for proposals document for a potential replacement to the VERIS system. The proposed amendment also requires a report to be submitted by December 1, 2019, with an assessment of the options of replacing VERIS along with the completed product requirements document and draft request for proposals document. If this amendment is adopted in the enacted budget, additional costs would likely be incurred in order to complete VERIS modifications for the new voter registration status by the proposed legislation's July 1, 2021, effective date. Such costs are indeterminate and would depend on the impact of the amendment on the VERIS project timeline.

According to ELECT, if VERIS modifications for the new provisional registration were required to be implemented completely separate from the existing VERIS project, the total estimated cost is \$780,000. This estimate is based on the cost of three contractors, at an average hourly salary of \$130 per hour for 2,000 hours each.

Social Security Data and Verification:

It is currently unknown where social security data may be obtained for the purpose of validating voter registration information or any costs that may be associated with obtaining such data. Any systems changes that may be needed to facilitate general registrars' access to the data are also currently unknown and would depend on the source of information obtained. The bill permits ELECT to use various methods to validate SSNs as approved by SBE. It is not currently known if information could be obtained from the Social Security Administration (SSA) for the required purpose. If SSA information is available, it is anticipated that fees would likely be assessed to access the data; however, any such costs are currently unknown. If information cannot be obtained from the SSA, it is anticipated that a third party vendor would need to be utilized, such as a credit agency. Any costs to obtain data from a third party vendor is also unknown. ELECT has been unable to obtain estimates from third party vendors at this time and notes that third-party information may be less accurate due to their means of collecting of information. Provisions in § 24.2-418.01 D. of the bill also state that SBE may approve the use of any "government database," which may preclude the use of a private vendor.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Elections, State Board of Elections, and localities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.