

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: SB1118

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|-----------------|-------------------------------------|--------------|--------------------------|------------|--------------------------|-----------|
| House of Origin | <input checked="" type="checkbox"/> | Introduced | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Engrossed |
| Second House | <input type="checkbox"/> | In Committee | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | 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 (the State Board) before registering such applicant. If the information provided by the applicant does not match the information in such 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 bill 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 bill has a delayed effective date of July 1, 2023.

6. Budget Amendment Necessary: See Item 8.

7. Fiscal Impact Estimates: Preliminary; see Item 8.

8. Fiscal Implications: The fiscal impact of this bill is indeterminate and is depend on a number of factors. The bill has a delayed effective date of July 1, 2023, with costs to implement the bill's provisions expected to be incurred beginning in fiscal year 2023.

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 current statewide voter election and registration information system (VERIS) and the electronic poll book system to accommodate the new category of voters for those provisionally registered. The bill also requires that on or before August 1 of each year, the general registrars shall verify 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. Necessary changes are expected to include the following at a minimum with the current voter system:

- 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 poll book 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 procuring a new voter registration system for Virginia that could incorporate the required changes. If the modifications necessary to accommodate the new voter registration status are incorporated into the new voter registration system, the impact of such modifications 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, 2023, assuming no significant issues developed that would affect the project's current overall timeline. However, it is anticipated that the new and old system will run in parallel operations to reduce risk and ensure the new system performs as expected. This parallel operation of the systems is expected to last up to a year before the old system is disabled.

If ELECT has to make the modifications that are required by SB1118 to VERIS prior to system changeover, funding will be required. If VERIS modifications were required to be implemented separate from the development of a new voter registration system, the 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.

Any potential impact to local general registrars to meet the requirements of the proposed legislation is indeterminate.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/19/2021