

SENATE BILL NO. 315

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections

on _____)

(Patron Prior to Substitute--Senator Salim)

A BILL to amend and reenact §§ 24.2-411.3, 24.2-418, 24.2-423, and 24.2-424 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-411.4, relating to voter registration; registration of Department of Motor Vehicles customers; automatic update.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-411.3, 24.2-418, 24.2-423, and 24.2-424 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-411.4 as follows:

§ 24.2-411.3. Department of Motor Vehicles customers who are not registered voters; voter registration.

A. Each person who is not a registered voter in the Commonwealth coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued pursuant to § 46.2-345.3; or (ii) change an address on an existing driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 except driver privilege cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued pursuant to § 46.2-345.3 shall be presented with (a) a question asking whether or not the person is a United States citizen and (b) the option to decline to have his information transmitted to the Department of Elections for voter registration purposes. The citizenship question and option to decline shall be accompanied by a statement that intentionally making a materially false statement during the transaction constitutes election fraud and is punishable under Virginia law as a felony.

27 The Department of Motor Vehicles may not transmit the information of any person who so
28 declines. The Department of Motor Vehicles may not transmit the information of any person who indicates
29 that he is not a United States citizen, nor may such person be asked any additional questions relevant to
30 voter registration but not relevant to the purpose for which the person came to an office of the Department
31 of Motor Vehicles or accessed its website.

32 B. For each person who does not select the option to decline to have his information transmitted
33 to the Department of Elections for voter registration purposes and who has identified himself as a United
34 States citizen, the Department of Motor Vehicles shall request any information as may be required by the
35 State Board to ensure that the person meets all voter registration eligibility requirements.

36 C. The Department of Motor Vehicles shall electronically transmit to the Department of Elections,
37 in accordance with the standards set by the State Board, the information collected pursuant to subsection
38 B for any person who (i) has indicated that he is a United States citizen, (ii) has indicated that he is 17
39 years of age or older, and (iii) at the time of such transaction did not decline to have his information
40 transmitted to the Department of Elections for voter registration purposes.

41 D. The Department of Elections shall use the information transmitted to determine whether a
42 person already has a registration record in the voter registration system.

43 1. For any person who does not yet have a registration record in the voter registration system, the
44 Department of Elections shall transmit the information to the appropriate general registrar. The general
45 registrar shall accept or reject the registration of such person in accordance with the provisions of this
46 chapter.

47 2. For any person who already has a registration record in the voter registration system, if the
48 information indicates that the voter has moved within the Commonwealth, the Department of Elections
49 shall transmit the information and the registration record to the appropriate general registrar, who shall
50 treat such transmittal as a request for transfer and process it in accordance with the provisions of this
51 chapter.

52 3. General registrars shall not register any person who does not satisfy all voter eligibility
53 requirements.

54 § 24.2-411.4. Department of Motor Vehicles customers who are registered voters; updates to
55 existing registration.

56 A. For each person who is a registered voter in the Commonwealth coming into an office of the
57 Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's
58 license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, except driver privilege
59 cards or permits issued pursuant to § 46.2-328.3 or identification privilege cards issued pursuant to § 46.2-
60 345.3, or (ii) change an address on an existing driver's license or other document issued under Chapter 3
61 (§ 46.2-300 et seq.) of Title 46.2, except driver privilege cards or permits issued pursuant to § 46.2-328.3
62 or identification privilege cards issued pursuant to § 46.2-345.3, the Department of Motor Vehicles shall
63 electronically transmit to the Department of Elections, in accordance with the standards set by the State
64 Board, the information necessary to determine whether the registered voter has changed his name or
65 residence address in the Commonwealth.

66 1. The Department of Elections shall furnish the information from the voter registration system to
67 the Department of Motor Vehicles necessary to determine whether customers are registered voters.

68 2. If the information provided by the Department of Elections is unable to establish whether a
69 customer is a registered voter, the Department of Motor Vehicles shall follow the procedures set forth in
70 § 24.2-411.3 for persons who are not registered voters.

71 B. If the information indicates that the voter has moved within the Commonwealth, the Department
72 of Elections shall transmit the information and the registration record to the appropriate general registrar,
73 who shall treat such transmittal as a request for transfer and process it in accordance with the provisions
74 of this chapter.

75 C. If the information indicates that the voter has changed his legal name, the Department of
76 Elections shall transmit the information and the registration record to the appropriate general registrar,
77 who shall treat such transmittal as a notice of name change and process it in accordance with the provisions
78 of this chapter.

79 D. If the information indicates that the voter has not moved within the Commonwealth and is in
80 inactive status, the Department of Elections shall transmit the information and the registration record to
81 the appropriate general registrar, who shall return the voter to active status from inactive status.

82 **§ 24.2-418. Application for registration.**

83 A. Each applicant to register shall provide, subject to felony penalties for making false statements
84 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless
85 physically disabled, he shall sign the application. The application to register shall be only on a form or
86 forms prescribed by the State Board.

87 The form of the application to register shall require the applicant to provide the following
88 information: full name; gender; date of birth; social security number, if any; whether the applicant is
89 presently a United States citizen; address of residence in the precinct; place of last previous registration
90 to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or
91 convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall
92 contain a statement that whoever votes more than once in any election in the same or different jurisdictions
93 is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.2 or 24.2-
94 411.3, the registration application shall not be pre-populated with information the applicant is required to
95 provide.

96 The form of the application to register shall request that the applicant provide his telephone number
97 and email address, but no application shall be denied for failure to provide such information.

98 B. The form shall permit any individual, as follows, or member of his household, to furnish, in
99 addition to his residence street address, a post office box address located within the Commonwealth to be
100 included in lieu of his street address on the lists of registered voters and persons who voted, which are
101 furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public
102 inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-
103 706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post
104 office box address provided under this subsection. If a voter's request for transfer is submitted pursuant to

105 § 24.2-411.4, the voter's post office box address previously provided under this subsection shall continue
106 to be included in lieu of his street address.

107 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. §
108 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

109 2. Any party granted a protective order issued by or under the authority of any court of competent
110 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

111 3. Any party who has furnished a signed written statement by the party that he is in fear for his
112 personal safety from another person who has threatened or stalked him;

113 4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

114 5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired
115 attorney employed by the United States Attorney General or Virginia Attorney General; and

116 6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et
117 seq.) of Title 63.2.

118 C. If the applicant formerly resided in another state, the general registrar shall send the information
119 contained in the applicant's registration application to the appropriate voter registration official or other
120 authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-
121 114.

122 **§ 24.2-423. Notice of change of name of registered voter.**

123 Whenever a registered voter changes his legal name, either by marriage, divorce, order of court,
124 or otherwise, the voter shall promptly notify the general registrar of the jurisdiction where he is registered.

125 Such notice may be made in writing or on a form approved by the State Board of Elections, which may
126 be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the

127 voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall
128 be sufficient signature. Notice may be provided by electronic means as authorized by the State Board and

129 signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic
130 Transactions Act (§ 59.1-479 et seq.). The general registrar shall enter the new name on the registration

131 records and issue the voter a new voter registration card. If the notice was submitted pursuant to § 24.2-

132 411.4, the new voter registration card shall be accompanied by information regarding how the voter may
133 correct the notice if necessary.

134 **§ 24.2-424. Change of registered voter's address within the Commonwealth.**

135 A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall
136 promptly notify any general registrar of the address of his new residence. Such notice may be made in
137 person, in writing, by return of the voter registration card noting the new address, or on a form approved
138 by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail
139 or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his
140 own mark acknowledged by a witness shall be sufficient signature. Notice may be provided by electronic
141 means as authorized by the State Board and signed by the voter in a manner consistent with the provisions
142 of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter
143 provides an address on a candidate or referendum petition that differs from the address for the voter on
144 the voter registration system shall not be sufficient notice to change the voter's registration address. Any
145 statements made by any voter applying for transfer are subject to felony penalties for making a false
146 statement pursuant to § 24.2-1016.

147 B. If the voter has moved within the same county or city, on receipt of the notification, the general
148 registrar for that county or city shall (i) enter the new address on the registration record; (ii) if satisfied
149 that the registered voter has moved into another precinct within the same county or city, transfer the
150 registration of the voter to that precinct; and (iii) send the voter confirmation documents. If the notice was
151 submitted pursuant to § 24.2-411.4, the confirmation documents shall include information regarding how
152 the voter may correct the notice if necessary. This transfer may be entered in the registration records at
153 any time the registration records are not closed pursuant to § 24.2-416.

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

159 D. Upon receipt of the voter's original registration application, and notice as specified in subsection
160 A of this section indicating the voter's current residence, the registrar for the county or city in which the
161 voter currently resides shall: (i) enter the new address on the registration record; (ii) if satisfied that the
162 registered voter has moved into a precinct within that county or city, transfer the registration of the voter
163 to that precinct; (iii) send the voter confirmation documents; and (iv) through the Virginia voter
164 registration system, notify the registrar of the locality where the voter formerly resided that the registration
165 has been transferred. If the notice was submitted pursuant to § 24.2-411.4, the confirmation documents
166 shall include information regarding how the voter may correct the notice if necessary. This transfer may
167 be entered in the registration records at any time the registration records are not closed pursuant to § 24.2-
168 416.

169 E. If the original registration application is no longer available to the registrar in the city or county
170 where the voter formerly resided, either of the following shall be sent to and accepted by the registrar in
171 the city or county where the voter now resides in lieu of such application: (i) an unsigned voter card (or
172 conversion card) used as the voter record upon the creation of the statewide voter registration system or
173 (ii) a replacement record provided by the Department to replace damaged files in the registrar's office. If
174 no other record is available, then the registrar of the voter's former locality shall provide written
175 notification to the registrar of the locality in which the voter now resides that none of the required
176 documents are available. In this instance only, the registrar of the locality in which the voter now resides
177 shall copy the voter's record from the Virginia voter registration system and use that record in lieu of the
178 original voter registration application. Any complete voter registration application on a form previously
179 authorized for use in Virginia shall be valid for the purposes of continuing or transferring a voter's
180 registration within the Commonwealth.

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