

Sample State Voter Registration Modernization Bill Text

I. TITLE

TITLE. — This Act may be cited as “Voter Registration Modernization Act of 20XX”

II. FINDINGS

FINDINGS.— The [legislative body] finds: [Insert numbered findings, including

- (a) A statement about the costly and inefficient nature of the state’s current paper-based, voter-initiated registration system;
- (b) A statement about how the current voter registration system is error-prone, causing inaccurate and bloated voter rolls and erroneous disenfranchisement of eligible voters;
- (c) A statement about how modernizing the voter registration system reduces the costs of administering voter registration (along with examples of cost savings achieved in other jurisdictions);
- (d) A statement about how modernizing the voter registration system increases the efficiency of voter registration systems, reducing duplicative data entry, increasing the accuracy of the system, and spreading work out over a rational schedule rather than in a compressed time frame right before a major election;
- (e) A statement about how modernizing the voter registration system leads to more accurate and complete voter rolls, with fewer errors, duplicate records, and outdated records (along with examples from other states that have modernized components of their registration systems);
- (f) A statement about how modernizing the voter registration system increases voter registration (along with examples from other states that have modernized components of their registration systems);
- (g) A statement about how modernizing the voter registration system reduces the potential for fraud and improves the security of elections; and
- (h) A statement about how voter registration is the gateway to voting, how voting is a fundamental right, and how important voting is to democracy.]

III. PURPOSES

PURPOSES.—The purposes of this Act are to increase the efficiency and rein in the total cost of voter registration for the State and its constituent governmental units, ensure that every eligible citizen in the State who would like to be registered to vote is registered, increase the completeness and accuracy of the statewide voter registration list, prevent erroneous disenfranchisement of eligible citizens, promote greater participation of eligible voters in elections, and remove opportunities for fraud and improve the security of elections.

IV. PRESERVATION OF EXISTING LAW

(a) **NO CHANGE TO VOTER QUALIFICATIONS.**—Nothing in this Act shall be construed to amend the substantive qualifications of an elector in this State established by [the state Constitution].

(b) **NO CHANGE TO AUTHORITY TO MAINTAIN ROLLS.**—Nothing in this Act shall be construed to interfere with any election official’s authority or obligation, under state or federal law, to:

- (1) Determine whether any individual is qualified to be an elector; or
- (2) Conduct regular, nondiscriminatory list maintenance designed to ensure that persons who are ineligible to vote are not reflected as voters on the statewide voter registration list.

(c) **CONSENT TO REGISTRATION.**—Nothing in this Act shall be construed to interfere with the right of any person to decline to be registered to vote for any reason.

(d) **DELEGATION.**—The [State’s chief election official] may, by regulation, delegate duties under this Act to other governmental units. Notwithstanding such delegation, the [State’s chief election official] shall be responsible for full compliance with the terms of this Act.

V. DEFINITIONS

[Insert definitions for terms that repeatedly appear in the statute and that are not otherwise defined in the state’s election law.]

VI. SOURCE AGENCIES

(a) **SOURCE AGENCIES.**—The following agencies are designated as source agencies for voter registration under this Act: [Insert numbered list of agencies and entities, including:

- (1) Agencies that are required by federal law to provide voter registration services, including the state motor vehicle authority;
- (2) State agencies that provide public assistance;

- (3) State agencies that provide services to individuals with disabilities;
- (4) State education agencies, including colleges and universities, and any state agency that maintains computerized records of high school students;
- (5) In states that disenfranchise citizens upon their conviction for certain crimes, the state corrections, probation, or parole agency that has custody of those citizens when their voting eligibility is restored; and,
- (6) Other agencies as is practicable, including the state agency that provides unemployment insurance; the state revenue agency; the state firearm licensing agency; and any federal agencies that agree to provide voter registration information (such as Center for Medicare and Medicaid Services, the Indian Health Service, the Social Security Administration (with respect to beneficiaries), U.S.C.I.S. (with respect to naturalized citizens), the Department of Defense (with respect to active duty military and their dependants), and the Department of Veterans Affairs); and
- (7) Any other reliable State government source as the chief election official may designate.]

(b) ADDITIONAL SOURCES.—

(1) The [State’s chief election official] shall receive data from any federal source that agrees to submit personal identification information to the State for voter registration purposes.

(2) The [State’s chief election official] may designate, on an ongoing basis, additional state agencies to serve as sources for voter registration. In designating an agency under this paragraph, the [State’s chief election official] shall consider—

- (A) The likelihood that source records reflect a large number of eligible citizens;
- (B) The extent to which source records reflect eligible citizens who would not otherwise be registered under this Act;
- (C) The accuracy of personal identification data in source records;
- (D) The cost of processing source data; and
- (E) Any additional factors designated by the chief election official as reasonably related to accomplishing the purposes of this Act.

VII. DATA TRANSFER

(a) Each source agency listed or designated under section VI of this Act shall electronically transmit to [the State’s chief election official] the information described in this paragraph for each person described in paragraph (b) of this section.

(1) The information transmitted shall include, where available: [Insert numbered list of required information, including, if available:

- (A) Given name(s) and surname(s);
- (B) Mailing address and residential address, and any indication that an address change is not for voting purposes;
- (C) Date of birth;
- (D) Citizenship;
- (E) Driver's license or state ID card number, and either the full Social Security number or the last four digits of the SSN, as appropriate;
- (F) E-Mail address;
- (G) Telephone number;
- (H) Signature, if available in electronic form;
- (I) Date, time, and nature of the last change to the information; and
- (J) Any additional information designated by the [State's chief election official] for such purposes and reasonably related to the management of elections.

(b) A source agency is required to transmit information relating to a person pursuant to paragraph (1), within three days after receiving that information, if the source agency's records indicate that:

- (1) The person is a U.S. citizen;
- (2) The person is [insert age of pre-registration or registration] or more years old;
- (3) The person consented to voter registration; and
- (4) The information has been added since the last transmission from the source agency to [the State's chief election official].

(c) Not later than three days after receiving a change of address form or any other information indicating that identifying information with respect to an individual which is included in the records of a source agency designated under this section has been changed, the appropriate official of such agency shall transmit both the new information and the prior information reflected in the last transmission, labeled accordingly, to the [chief State election official] unless—

- (1) The records of the agency include information indicating that the individual is not a U.S. citizen who will be 18 or more years old as of the next election; or
- (2) The individual states on the form or otherwise indicates that the change of address or other information is not for voter registration purposes.

(d) No source agency shall transmit information irrelevant to the administration of elections.

VIII. INFORMATION COLLECTION

(a) Each source agency listed or designated under section VI of this Act shall, upon a first interaction with a person not previously served by the agency, or upon an interaction with a person served by the agency and leading to a change in personal identifying or contact information:

- (1) Notify each such person of the substantive qualifications of an elector in this State, using language approved by [the State's chief election official];
- (2) Notify each such person that there is an opportunity to be registered to vote or update voter registration, but that voter registration is voluntary, and will not in any way affect the availability of services or benefits, nor be used for other purposes;
- (3) Require each such person to indicate, after considering the substantive qualifications of an elector in this State, whether the person wishes to be registered to vote; and
- (4) For each such person who consents to using that person's agency records for voter registration, collect:

- (A) A signed affirmation of eligibility;
- (B) Party preference, if any; and
- (C) Any additional information designated by the [State's chief election official] for such purposes and reasonably related to the management of elections, and not otherwise collected by the agency in the normal course of business.
- (D) The information collected under subparagraphs (A) – (C) shall not be stored by the source agency in any form after its transfer to the State's chief election official.

(5) Each source agency shall ensure that each person's transaction with that agency cannot be completed until that person has indicated whether or he or she wishes to register to vote.

(b) INDIVIDUALS IN EXISTING RECORDS.—

- (1) No later than January 20XX, each eligible individual who is listed in a source agency's records shall be mailed a postage pre-paid return postcard.
- (2) The postage-pre-paid return postcard in subparagraph (1) shall include a box for the individual to check, together with the statement (in close proximity to the box and in prominent type) "By checking this box, I affirm that I am a citizen of the United States, am eligible to vote in this State, and will be at least eighteen years old by the next general election. I understand that by checking this box, I will be automatically registered to vote if I am eligible to vote in the State." along with a clear description of the voting eligibility requirements in the state.

[INSERT WHERE REQUIRED FOR VOTER REGISTRATION: The postcard shall also include a place for the individual's signature and designation of party affiliation].

(3) An individual who checks this box and returns the postcard postmarked not later than [the registration deadline] shall be registered to vote in that election.

IX. REGISTRATION UPON REVIEW

(a) If information transferred pursuant to section VII reflects a person not included on the statewide voter registration list, and if the available age, citizenship, and residency information reliably indicate that the person meets the qualifications to vote in the State, [the State's chief election official] shall ensure that such eligible citizen is registered as a voter and is added to the statewide voter registration list within three days of receiving that data, regardless of whether the data transmitted includes a signature.

[*STATES IN WHICH A SIGNATURE IS NOT CAPTURED DURING AUTOMATED REGISTRATION BUT IS REQUIRED BEFORE VOTING SHOULD INCLUDE THE FOLLOWING LANGUAGE¹:**

(1) An individual shall provide a signature at the polling place or with an application for an absentee ballot before voting in an election.

(2) An individual who has not provided a signature before arriving at the polling place or submitting an absentee ballot shall meet the requirements of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)).

(3) An individual who desires to vote but is unable to meet the requirements of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A) shall have the right to cast a provisional ballot as provided in 303(b)(2)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(B) [which shall be counted in accordance with state law].*]**

(b) Notwithstanding paragraph (a) of this section, [the State's chief election official] shall ensure that any person who has not consented to voter registration is not automatically registered as a voter.

(c) If the information transferred pursuant to section VII reflects a person already included on the statewide voter registration list, and if the information reliably indicates a more recent to the person's name or address, [the State's chief election official] shall ensure that the person's records on the statewide voter registration list are updated accordingly.

(d) If a source agency transfers information relating to an individual who did not answer "yes" to the question of whether that person wishes to be registered or to update registration, asked pursuant to subparagraph (VIII)(a)(3), that information shall not be used to register that

¹ Some states may not collect a signature in electronic form during the source agency's information collection and data transfer processes. If a signature is not collected before Election Day but is required for voting, states should include the bolded language to enable voters to provide signatures when requesting a ballot.

individual or update that individual's registration, but no individual already on the computerized list shall be removed from the computerized list solely on that basis.

(e) CITIZENSHIP AFFIRMATION.—

(1) IN GENERAL.—If data relating to an otherwise eligible voter and transmitted under section VII of this Act does not contain an indication of the individual's status as a citizen of the United States, and if no other record pertaining to that individual and containing an indication of the individual's citizenship status exists on the statewide voter registration database or has been transmitted to [the State's chief election official], the [State's chief election official] shall require affirmation of that individual's status as a citizen of the United States before the individual is permitted to vote.

(2) ELECTION DAY AFFIRMATION.—The [State's chief election official] shall allow an individual to affirm that individual's status as a citizen of the United States at the polling place or with an application for an absentee or mail-in ballot. An individual who affirms that individual's status as a citizen of the United States at the polling place or with an application for an absentee or mail-in ballot shall be permitted to vote in that election.

(3) OTHER MEANS.—The [State's chief election official] may allow an individual to affirm that individual's status as a citizen of the United States by any additional method permitted under state law.

(f) NOTIFICATION.—

(1) IN GENERAL.—The [State's chief election official] shall ensure that each voter whose information is changed on the statewide voter registration list is promptly sent written notice of the change.

(2) E-MAIL.— Any notice required by this section may be sent by e-mail, but only if the voter in question has confirmed the validity of his or her e-mail address by responding to a message sent to that e-mail address no more than 3 days before the notice required by this section is sent.

(3) CONTENT.—Any notice required by this section shall contain, at a minimum, the following:

- (A) The voter's name, date of birth, and residential address as reflected on the voter rolls;
- (B) A statement that the voter's registration information has been updated automatically;
- (C) A statement of the qualifications to be an elector;
- (D) A statement that it is illegal for a person who is not qualified to be an elector to vote in an election (this statement should be printed in larger text than the rest of the notice);
- (E) A statement alerting the voter to notify an election official if the voter does not meet the qualifications to be an elector;
- (F) A statement alerting the voter that he or she may decline voter registration, or request a change to registration information, at any time by contacting an election official;

- (G) Contact information for the appropriate election official, including the website address of voter registration information system described below; and
- (H) Any other information that the chief election official deems necessary to fulfill the obligations of this Act, State law, or federal law.

(4) COMBINED NOTICES.—Any notice required by this section may be sent with other notices required or permitted by law.

X. VOTER REGISTRATION REVIEW AND CORRECTION

(a) The [State’s chief election official] shall establish a voter registration information system available—

- (1) Through a public website accessible from the website of the chief election official; and,
- (2) Through a toll-free telephone number maintained by the chief election official.

(b) FUNCTIONS.—The system established under subsection (a) must:

(1) Provide a secure interface that allows any voter—

- (A) To review the voter registration information represented on the statewide voter registration list for that voter;
- (B) To submit a confidential request to correct or update the voter’s voter registration information, which shall be processed as any other correction to voter registration information is processed; and,
- (C) To determine the location of the polling place to which the voter is assigned.

(2) Provide an interface that allows any person—

- (A) To determine the location of the polling place associated with any residential address within the State; and
- (B) To determine whether he or she is represented on the statewide voter registration list.

(3) Provide a secure website interface that allows any eligible citizen who is not represented on the statewide voter registration list to correct the omission by confidentially submitting the data collected on a voter registration form to an election official. Such data shall be processed as a voter registration form is processed, subject to the requirements of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. § 15483(b)), except that the absence of a written signature shall not preclude the registration of an eligible citizen.

(c) LATE CORRECTION.—For any eligible citizen attempting to use the system established under subsection (a) to submit information after the deadline established by State law for correcting registration errors or omissions, the system must notify the citizen at the time of the submission that the update will not take effect for the proximate election, and that the citizen may use the election-day procedure provided by subsection (d).

(d) ELECTION DAY CORRECTION.—The State’s chief election official shall, as provided in this subsection, establish procedures to permit any eligible voter to correct his or her voter registration record or the omission of that record from the statewide voter registration database, on election day at the polling place for that person’s current legal voting residence, and to cast a regular ballot at that polling place.

(1) An individual who is eligible to vote but whose name does not appear on the statewide voter registration list on election day shall be permitted to vote a regular ballot by appearing in person at the polling place for the jurisdiction in which the individual maintains residence, completing a voter registration application, and making an oath in the form set forth in paragraph (4). An election official at the polling place shall confirm that the polling place is the voting location serving the address at which the citizen is eligible to vote, or provide the citizen with directions to the appropriate polling place.

(2) The election official shall offer the citizen a voter registration form promulgated by the chief election official, requesting information sufficient for registration, stating the qualification to be an elector, and containing a prominent warning that it is illegal for a person who is not qualified to be an elector to vote in any election.

(3) Election day correction may be conducted by a state or local election official or by a designee of a state or local election official who has received such training and instruction as the state or local elections official shall prescribe.

(4) The applicant shall complete and sign a voter registration affirmation prescribed by the state which shall contain the following oath or affirmation: “I do hereby certify under penalty of perjury that to the best of my knowledge, I am a qualified voter, and that I am not disqualified on any ground from voting, and I have not voted and will not vote at any other polling place in this election.”

(5) Election day correction pursuant to this section may also be used by an individual to update the individual’s address, pursuant to the terms in subsection (f), if the individual is eligible to vote and has previously registered in the state and has moved to a new address within the state.

(e) STATEWIDE VOTER REGISTRATION DATABASE.—When a registration application is completed in compliance with this section, the individual’s name shall be added to the statewide voter registration database or the voter’s information shall be updated on an expedited basis in accordance with procedures established by state or local elections officials.

(f) SPECIAL PROCEDURES FOR CHANGE OF ADDRESS.—

(1) SAME POLLING PLACE.—Any registered voter who has changed his or her legal voting residence from the address shown in the statewide voter registration database to a new address with the same polling place as the address shown in the statewide voter registration database shall be permitted to correct his or her address on election day at that polling place, and then to vote a regular ballot at that polling place subject to no additional requirement.

(2) OTHER CHANGE OF ADDRESS.—Any registered voter who has changed his or her legal voting residence from the address shown in the statewide voter registration database to a new address within the State that is assigned to a different polling place than the address shown in the statewide voter registration database shall be permitted to correct his or her address on election day at the polling place assigned to the voter’s new address, and then to vote, at that polling place, a ballot that can be counted for all races.

XI. DATABASE MANAGEMENT STANDARDS

(a) PUBLICATION OF STANDARDS.—The [State’s chief election official] shall publish on its website the database management standards established under this section, and shall make those standards available in written form upon public request.

(1) MATCHING STANDARDS.— The [State’s chief election official] shall establish standards governing the comparison of data for list maintenance purposes. Such standards shall identify the specific data elements and matching rules to be used for purposes of determining:

(A) Whether a data record from any source agency represents the same person as a record in another source agency or in the statewide voter registration database;

(B) Whether a data record from any source agency represents a person already registered in the statewide voter registration database;

(C) Whether two data records in the statewide voter registration database represent duplicate records for the same person;

(D) Whether a data record supplied by any list maintenance source represents a person already registered in the statewide voter registration database; and

(E) Which information will be treated as more current and reliable when data records from multiple sources present information for the same person.

(2) STANDARDS FOR DETERMINING INELIGIBILITY.—The [State’s chief election official] shall establish uniform and non-discriminatory standards describing the specific conditions under which an individual will be determined for list maintenance purposes to be ineligible to vote.

XII. PRIVACY

(a) **PROTECTION OF SOURCE INFORMATION.**—The identity of the source agency providing information under this Act relating to any individual shall not be disclosed to the public and shall be used only for voter registration purposes.

(b) **CONFIDENTIAL INFORMATION.**—The [State’s chief election official] shall establish policies and enforcement procedures to maintain certain personal information within the statewide voter registration list and the lists provided by source agencies and list maintenance sources as confidential items available only to authorized users and prohibited from disclosure to unauthorized users. The items to be designated as confidential shall include:

- (1) Any portion of an individual’s Social Security number;
- (2) Any portion of an individual’s motor vehicle driver’s license number or state identification card number;
- (3) Any individual’s signature;
- (4) Any individual’s e-mail address;
- (5) Any indication of citizenship or non-citizenship; and,
- (6) The personal residence and contact information of any person for whom state law requires confidentiality.

(c) **ADDITIONAL CONFIDENTIAL INFORMATION.**—The [State’s chief election official] may designate information other than the information in subsection (b) as confidential to the extent reasonably necessary to prevent identity theft or impersonation, but may not designate as confidential the name, address or date of registration of the voter, or where applicable, the self-identified racial category of the voter.

XIII. LIST MAINTENANCE AND SECURITY

(a) **RESTRICTION ON USE OF REGISTRATION RECORDS.**—No person acting under color of law may use the statewide voter registration list to attempt to determine the citizenship status of any individual for any purpose other than voter registration, election administration, or the enforcement of laws against election crimes.

(b) **RESTRICTION ON USE OF INFORMATION.**—No information relating to an individual’s absence from the statewide voter registration list or an individual’s declination to supply information for voter registration purposes at a source agency may be disclosed to the public, or used for any purpose other than voter registration, election administration, or the enforcement of laws against election crimes.

(c) **NONDISCRIMINATION.**—No person acting under color of law may discriminate against any individual on the basis of the individual’s absence from the statewide voter registration list, the information supplied by the individual for voter registration purposes at a source agency, or the individual’s declination to supply such information, except as required to administer elections or enforce election laws.

(d) **AUTOMATIC REGISTRATION NOT BASIS FOR FRAUD.**—An individual shall not be prosecuted under any federal or state law, adversely affected in any immigration or naturalization process or proceeding, or be denied immigration benefits on the grounds

that the individual is not an eligible voter and has been automatically registered to vote under this Act or has been automatically registered to vote at the incorrect address, unless the individual knowingly makes a false statement in order to effectuate or perpetuate such registration. Nothing in this subsection may be construed to prohibit or restrict any action under color of law against an individual who casts a ballot knowingly and willfully in violation of State law or the laws of the United States.

(e) **PROHIBITION ON THE USE OF VOTER REGISTRATION INFORMATION FOR COMMERCIAL PURPOSES.**—Voter registration information collected under this Act shall not be used for commercial purposes including for comparison with any existing commercial list or database.

(f) **PRIVACY AND SECURITY STANDARDS.**—The [State’s chief election official] shall, as provided in this subsection, establish standards and procedures to safeguard the privacy of the State’s residents and the integrity and security of the information used pursuant to this Act.

(1) **PRIVACY AND SECURITY POLICY.**—The [State’s chief election official] shall publish and enforce a privacy and security policy specifying each class of users who shall have authorized access to the statewide voter registration list, specifying for each such class the permissions and levels of access to be granted, and setting forth other safeguards to protect the privacy and security of the information on the statewide voter registration list. Such policy shall include security safeguards to protect personal information in the data transfer process, the online or telephone interface, and the maintenance of the voter registration database.

(2) **NO UNAUTHORIZED ACCESS.**—The [State’s chief election official] shall establish policies and enforcement procedures to prevent unauthorized access to the statewide voter registration database and to any list provided by a source agency or list maintenance source.

(3) **INTER-AGENCY TRANSFERS.**—The [State’s chief election official] shall establish policies and enforcement procedures to maintain security during inter-agency transfers of information required or permitted under this Act. Each source agency participating in such inter-agency transfers of information shall facilitate and comply with such policies. Nothing in this subsection shall prevent a source agency from establishing and enforcing additional security measures to protect the confidentiality and integrity of inter-agency data transfers.

(A) **TRANSMISSION THROUGH SECURE THIRD PARTY PERMITTED.**— Nothing in this section shall be construed to prevent a source agency from contracting with a third party to assist in the transmission of data to the [state’s chief election official], provided that the data transmission complies with all of the requirements in this Act, including the privacy and security provisions in this section.

(g) **RECORDS RETENTION.**—The [State’s chief election official] shall, as provided in this subsection, establish standards and procedures to maintain all election records required for purposes of this Act, including for the purpose of determining the eligibility

of persons casting provisional ballots. Records for voters who have been retained on the statewide voter registration database but identified as ineligible to vote within the State, or removed from the statewide voter registration list due to ineligibility, shall be maintained and kept available until at least the date of the second general election that occurs after the date that the voter was identified as ineligible.

XIV. RULEMAKING AUTHORITY

(a) **IN GENERAL.**—[The State’s chief election official] shall promulgate such rules and regulations as necessary to implement the provisions of this Act, including but not limited to:

- (1) Procedures that ensure the reliable transfer and validation of data described in section VII of this Act;
- (2) Procedures to determine whether information transferred from multiple sources relates to the same person;
- (3) Procedures that resolve information transferred from multiple sources relating to the same person;
- (4) Procedures that ensure that each voter appears only once on the statewide voter registration list;
- (5) Procedures that ensure the security and privacy of data transmitted under section VII of this Act or reviewed or submitted through the system described in section X of this Act.

XV. REPORTING REQUIREMENTS

(a) **IN GENERAL.**—The [State’s chief election] official shall produce an annual public report for submission to the legislature, including:

- (1) The number of records that have been transferred under section VII of this Act, by source;
- (2) The number of voters newly added to the statewide voter registration list because of records transferred under section VII of this Act, by source;
- (3) The number of voters on the statewide voter registration list whose information was updated because of records transferred under section VII of this Act, by source;
- (4) The number of records transferred under section VII of this Act, by source, that do not relate to individuals affirmatively identified as eligible to vote;
- (5) The number of persons who declined voter registration;
- (6) The number of voters who submit requests to update or correct voter registration information through the system established by subsection X of this Act, by type of information updated;
- (7) The number of voters who submit voter registration forms using the online procedure described in subsection X of this Act; and
- (8) The number of voters who correct voter registration information using the election-day procedure described in subsection X of this Act.

(b) CONFIDENTIALITY.—Any report produced under this section shall exclude any information that identifies any person personally.