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7 A BILL

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9 B21-194

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12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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17 To amend the District of Columbia Election Code of 1955 to require the Board of Elections to  
18 accept electronic registration information from the Department of Motor Vehicles to use  
19 to register voters and maintain up-to-date voter rolls, and to provide a person the  
20 opportunity to decline automatic registration; and to amend the District of Columbia  
21 Traffic Amendment Act, 1925 to require the Department of Motor Vehicles to provide  
22 the Board of Elections electronic records containing specified information on each person  
23 who may qualify as a qualified elector.  
24

25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
26 act may be cited as the “Automatic Voter Registration Amendment Act of 2016”.

27 Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69  
28 Stat. 699; D.C. Official Code § 1-1001.01*et seq.*), is amended as follows:

29 (a) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

30 (1) Subsection (a)(2) is amended to read as follows:

31 “(2)(A) The person executes an application to register to vote by signature or  
32 mark (unless prevented by physical disability) on a form approved pursuant to subsection (b) of  
33 this section or by the Election Assistance Commission attesting that he or she meets the  
34 requirements of a qualified elector, and if he or she desires to vote in party elections, indicating  
35 his or her political party affiliation; or

36                   “(B) The person applies for a DMV-issued driver’s license or non-driver’s  
37 identification, pursuant to subsection (c) of this section; and”.

38                   (2) Subsection (c) is amended as follows:

39                   (A) Paragraph (1) is amended as follows:

40                   (i) Subparagraphs (A) and (B) are amended to read as follows:

41                   “(A) Each DMV application for a DMV-issued driver’s license (including any  
42 renewal application) or non-driver’s identification card shall automatically serve as application  
43 to register to vote in the District of Columbia, unless the applicant indicates on the application  
44 that he or she does not want the application to serve as a voter registration. For each applicant  
45 who did not decline to register to vote or update his or her voter registration information and  
46 stated that he or she is a citizen of the United States, the DMV shall provide to the Board  
47 electronic records containing the applicant’s:

48                   “(i) Legal name;

49                   “(ii) Date of birth;

50                   “(iii) Residence;

51                   “(iv) Mailing address;

52                   “(v) Previous voter registration address;

53                   “(vi) DMV-issued identification number or Social Security number;

54                   “(vii) Party affiliation;

55                   “(viii) Response as to whether the applicant would like information on  
56 serving as a poll worker in the next election;

57                   “(ix) Citizenship information; and

58                   “(x) Electronic signature.

59                   “(B) The DMV and the Board shall jointly develop a DMV application form that  
60 shall contain the necessary information for the:

61                               “(i) Issuance, renewal, or correction of the applicant's driver's license or  
62 non-driver's identification card; and

63                               “(ii) Means for the applicant to:

64                                       “(I) Provide a mailing address, if mail is not received at the  
65 residence address;

66                                       “(II) State whether the applicant is a United States citizen;

67                                       “(III) Indicate a choice of party affiliation (if any);

68                                       “(IV) Indicate the last address of voter registration (if  
69 known);

70                                       “(V) Indicate whether the applicant would like information on  
71 serving as a poll worker in the next election;

72                                       “(VI) Sign, under penalty of perjury, an attestation that sets forth  
73 the requirements for voter registration and states that the applicant meets each of those  
74 requirements; and

75                                       “(VII) Decline to register to vote, or, if already registered in the  
76 District, to update the voter registration.”.

77                               (ii) Subparagraph (D) is amended by striking the phrase “combined  
78 portion of the form” and inserting the word “application” in its place.

79                               (iii) Subparagraphs (E) and (F) are repealed.

80                               (iv) Subparagraph (H) is amended to read as follows:

81                                       “(H) The deadline for electronic transmission of the voter registration

82 application to the Board of each applicant who is a qualified elector and did not decline to  
83 register to vote shall be no later than 5 days after the date of its acceptance by the DMV.”.

84 (v) Subparagraph (I) is amended as follows:

85 (i) The existing text is designated as sub-subparagraph (i).

86 (ii) The newly designated sub-subparagraph (i) is amended by  
87 striking the phrase a “An application to register to vote or for change of address, party, or name”  
88 and inserting the phrase “An application” in its place.

89 (iii) A new sub-subparagraph (ii) is added to read as follows:

90 “(ii) The Board shall consider an application that the DMV accepted for  
91 the purposes of voter registration on or before the voter registration deadline as timely  
92 received.”.

93 (vi) Subparagraph (J) is amended by striking the phrase “state  
94 whether the change of address or name is” and inserting the phrase “may decline to correct or  
95 update the individual’s address or name” in its place.

96 (B) A new paragraph (3) is added to read as follows:

97 “(3)(A) If a person who is not a qualified elector becomes registered to vote in  
98 accordance with this section that person’s voter registration shall be presumed to have been  
99 effected by official authorization and not through the fault of that person and shall not constitute  
100 a violation of section 14 and the person shall not be held civilly or criminally liable for the voter  
101 registration.

102 “(B) If a person who is not a qualified elector becomes registered to vote in  
103 accordance with this section and votes or attempts to vote in an election held after the effective  
104 date of the person’s voter registration that person shall not be in violation of section 14 and shall

105 not be held civilly or criminally liable, unless that person votes or attempts to vote knowing that  
106 he or she is not a qualified elector.”.

107 (3) Subsection (e) is amended as follows:

108 (A) Paragraph (1) is amended by striking the phrase “from any applicant”  
109 and inserting the phrase “from any applicant, the DMV, pursuant to subsection (c)(1) of this  
110 section, or a voter registration agency” in its place.

111 (B) Paragraph (2) is amended as follows:

112 (i) The existing text is designated as subparagraph (A).

113 (ii) A new subparagraph (B) is added to read as follows:

114 “(B) For applications received from the DMV, the notification, in addition  
115 to the information required under subparagraph (A) of this paragraph, shall include information  
116 regarding the process to decline voter registration and to change or adopt a political party  
117 affiliation, if one was not designated on the application.”.

118 (4) Subsection (g) is amended as follows:

119 (A) Paragraph (1) is amended as follows:

120 (i) Strike the phrase “At any time except during the 30-day” and in its  
121 place insert the phrase “Except as provided in paragraph (4) of this subsection, at any time  
122 except during the 21-day” in its place.

123 (ii) Strike the phrase “30th day” and insert the phrase “21st day” in its  
124 place.

125 (B) Paragraph (2) is amended to read as follows:

126                   “(2) The Board shall process voter registration applications and voter  
127 registration update notifications, whether received postmarked, non-postmarked, or digitally, that  
128 are received by the Board by the 21st day preceding any election.”.

129                   (C) Paragraph (3) is amended by striking the phrase “30th” and inserting  
130 the phrase “21st” in its place.

131                   (D) Paragraph (4) is amended by striking the phrase “30th” wherever it  
132 appears and inserting the phrase “21st” in its place.

133                   (5) Subsection (i)(4) is amended as follows:

134                   (A) Subparagraph (A) is amended by striking the phrase “at the polling  
135 place serving the former residence address, subject to the requirements of section 302 of the Help  
136 America Vote Act, approved October 29, 2002 (116 Stat. 1706; 42 U.S.C. § 15483)” and  
137 inserting the phrase “at the polling place serving the current residence address” in its place.

138                   (B) Subparagraph (C) is amended by striking the phrase “only within the  
139 polling place assigned by the Board before election day” and inserting the phrase “at the polling  
140 place serving the current residence address or the accessible polling place assigned by the Board  
141 pursuant to section 9(b)(3)” in its place.

142                   (6) A new subsection (m) is added to read as follows:

143                   “(m) Before October 1, 2017, the Board, in conjunction with the DMV, shall  
144 develop and implement a system for electronic transmission of voter registration information  
145 from the DMV to the Board and the DMV shall transmit any eligible voter registration  
146 application to the Board no later than 5 days after the date of the application’s acceptance by the  
147 DMV.”.

148                   (b) Section 9(b)(3) (D.C. Official Code § 1-1001.09(b)(3)) is amended by striking

149 the phrase “Except pursuant to section 7(i)(4), no” and inserting the phrase “No” in its place.

150           Sec. 3. Section 106(b) of the District of Columbia Uniform Military and Overseas Voters  
151 Act of 2012, approved Jul 5, 2012 (D.C. Official Code § 1-1061.06(b)), is amended by striking  
152 the phrase “30” and inserting “21” in its place.

153           Sec. 4. The District of Columbia Traffic Amendment Act, 1925, approved March 3, 1925  
154 (43 Stat. 1121; D.C. Official Code § 50-1401.01 *et seq.*), is amended by adding a new section 7c  
155 to read as follows:

156           “Sec. 7c. Electronic transmission of voter registration requirements.

157           “The Department of Motor Vehicles (“DMV”) shall electronically transmit to the District  
158 of Columbia Board of Elections the voter registration of each applicant who did not decline to  
159 register to vote and indicated that they are a United States citizen no later than 5 days after the  
160 date of its acceptance by the DMV, including electronic records containing the applicant’s:

161                   “(1) Legal name;

162                   “(2) Date of birth;

163                   “(3) Residence;

164                   “(4) Mailing address;

165                   “(5) Previous voter registration address;

166                   “(6) DMV-issued identification number or social security number;

167                   “(7) Party affiliation;

168                   “(8) Response as to whether the applicant would like information on serving as a  
169 poll worker in the next election;

170                   “(9) Citizenship information; and

171                   “(10) Electronic signature.”.

172           Sec. 5. Fiscal impact statement.

173           The Council adopts the fiscal impact statement in the committee report as the fiscal  
174 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
175 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

176           Sec. 6. Effective date.

177           This act shall take effect following approval by the Mayor (or in the event of veto by the  
178 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
179 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
180 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
181 Columbia Register.