

Automatic Voter Registration Act of 2016 introduced by Ranking Member Robert A. Brady

Section by Section Summary

Section 1: Findings and Purpose

Section 2: Automatic Registration of Eligible Individuals

Directs the chief state election official (CSEO) to automatically register eligible persons to vote in Federal elections. The CSEO shall ensure that any person eligible for voter registration is promptly registered to vote after the person has not declined registration and the information has been transmitted.

The CSEO must send written notice in addition to other means of notification. The CSEO shall identify all persons for whom information has been transmitted pursuant to Section 4 who are eligible to vote but not currently registered and send each person notice without identifying the contributing agency but includes:

1. An explanation that voter registration is voluntary;
2. A statement offering the opportunity to decline registration;
3. The eligibility criteria for registering to vote;
4. Instructions that ineligible persons should decline registration;
5. Instructions for correcting incorrect registration information and;
6. Instructions for providing any additional information designated by the state for voter registration purposes and reasonably related to the management of elections.

The CSEO shall then promptly register all eligible persons who have not declined.

Section 3: Contributing Agency Assistance in Registration

Requires each state and Federal agency to assist the CSEO in registering all eligible citizens. With respect to states, any Federal office located in the state shall be a contributing agency only with respect to residents of that state.

Requirements for contributing agencies are:

- A. With each application for service and assistance, each contributing agency that collects citizenship information shall inform the person:
 1. Unless the person declines to register or is found ineligible, the person will be registered to vote or their registration will be updated if necessary;
 2. The qualifications of an elector in the state and the consequences of false registration and a disclaimer to not register unless the person meets the qualifications;

3. The requirement to affiliate with a political party if political party affiliation is necessary to participate in an election to select a candidate for Federal office and;
4. That voter registration is voluntary and that choosing to or declining to register will not have any effect on services or benefits nor be used for any other purposes.

Contributing agencies shall ensure each application for services or benefits cannot be completed until the person is given the opportunity to decline voter registration.

For each person who does not decline, the contributing agency shall in a timely manner transmit to the appropriate state election official:

1. The person's given name and surnames;
2. The person's date of birth;
3. The person's residential address;
4. Information showing that the applicant is a citizen of the United States, which may include an affirmation of such;
5. Any valid driver's license number or last 4 digits of Social Security number;
6. The date on which information pertaining to that person was collected or last updated;
7. The person's electronic signature;
8. Information regarding party affiliation and;
9. An affirmation of the veracity of the information provided that may be requested by a state and;
10. Any additional information designated by the CSEO for the purpose of and reasonably related to the administration and management of elections.

In any state, a contributing agency is:

1. Any agency required by Federal law to provide voter registration services (e.g. A state DMV pursuant to the National Voter Registration Act);
2. Any agency that administers a program providing assistance under title III of the Social Security Act title XIX of the Social Security Act, or the Patient Protection and Affordable Care Act;
3. Any agency primarily responsible for regulating the personal possession of firearms;
4. Any agency primarily responsible for maintaining identifying information for students enrolled at public secondary schools;
5. In states with re-enfranchisement, the state agency responsible for administering the sentence or the restoration of rights and;
6. Any other agency designated by the state as a contributing agency to the extent that the agency already collects sufficient information to carry out the requirements of the Act.

Federal contributing agencies include:

1. The Social Security Administration, the Department of Veterans Affairs, the Defense Manpower Data Center of the Department of Defense, the Employee and Training Administration of the Department of Labor, and the Center for Medicare and Medicaid Services of the Department of Health and Human Services;
2. The Bureau of Citizenship and Immigration Services, but only with respect to persons who have completed the naturalization process; and the Administrative Office of the United States Courts, the Federal Bureau of Prisons, and the United States Probation Service, but only with respect to persons not serving criminal sentences;
3. Each institution of higher education that receives Federal funds is a contributing Federal agency for the state in which it is located and;
4. Each state may designate additional agreeing Federal agencies to serve as contributing provided the head of the agency agrees and the agency already collects sufficient information to carry out the requirements of the Act.

Each state shall publish a list of contributing agencies.

Each state shall take appropriate measures to educate the public about automatic voter registration.

Section 4: One-Time Contributing Agency Assistance in Registration of Eligible Voters in Existing Records

For people already listed in a contributing agency's records as of the date of enactment, and for whom the agency retains relevant information set out in Section 3, the agency shall promptly transmit that information to the appropriate state election official for voter registration purposes.

Section 5: Voter Protection and Security

An ineligible person shall not be prosecuted under Federal law or adversely affected in any immigration or naturalization proceeding as a result of inadvertent automatic registration.

Nothing in the subsection shall be construed to prohibit any action against a person who knowingly and willfully violates state or Federal law.

Nothing in the Act authorizes a contributing agency to collect, retain, or publicly disclose a person's decision not to register to vote, a person's decision not to affirm their citizenship, or any information pursuant to Section 3.

State election officials are prohibited from disclosing the identity of the contributing agency, any information not necessary to voter registration, or any information otherwise shielded by state law.

Absent a person's express permission, a state election official is prohibited from disclosing any portion of the person's Social Security number, any portion of the person's DL number, the person's signature, email address, or telephone number.

Each state must maintain for two years and make available for public inspection changes to voter records. The CSEO shall establish and publish standards for data maintenance and enforce a privacy and security policy.

No person acting under color of law may use information for any reason other than voter registration, election administration, or enforcement of election crimes.

Section 6: Correction and Portability

If registered, allows an individual to update their address, correct any outdated or incorrect information, and vote on the basis of the updated or corrected information. Requires election officials to ensure updated or corrected data is reflected in statewide registration lists.

Section 7: Online Registration

Each state shall ensure the availability on official public websites an application to register to vote or to update information using the Federal form or a voter registration form developed by the state, completion of a printable version of the applications, correction of voter registration information, designation of a political party, cancellation of registration, and the ability to decline any automatic registration.

Section 8: Payments and Grants

Makes available EAC/HAVA grants to assist states in implementing requirements and sets forth a grant application process.

Authorizes a \$500 million for FY17 and such sums as may be necessary for succeeding years without fiscal year limitation.

Section 9: Miscellaneous Provisions

Ensures accessibility for disabled eligible persons, permits the use of third parties to assist in information transmittal provides it's secure and ensures a nonpartisan, nondiscriminatory provision of services from contributing agencies.

Section 10: Definitions

Section 11: Effective Date

January 1, 2019. If a state is granted a waiver from the EAC because of demonstrable extraordinary circumstances, the effective date is January 1, 2021.