



MODEL BILL
Paperless Voter Registration

Section 1. Short title: This Act shall be known as the ‘[state] Paperless Voter Registration Act.’

Section 2. Purpose: The purpose of this Act is to require state agencies offering voter registration to do so by using technology that will transmit voter registration information entered into such agency’s database electronically to the appropriate election authority, saving money and reducing errors.

Section 3. Section [insert appropriate section of state election code] is amended by adding a new section, to be appropriately designated and to read as follows:

(a) The [state Director of Elections/appropriate election official], in collaboration with the Departments of Elections for the counties, shall examine methods to streamline the voter registration process through the use of technology. These methods shall include adoption of a paperless registration process.

(b) Uses of Statewide System: The State Board of Elections shall maintain the statewide voter registration database, mandated by the Help America Vote Act of 2002, such that each county board of elections may, using all available safeguards to ensure accuracy and security:

- 1) verify that an applicant for registration in its county is not also registered in another county;
- 2) be notified automatically that a registered voter in its county has registered to vote in another county;
- 3) receive voter registration applications electronically from the department of motor vehicles, public assistance agency, and any other agency required to offer voter registration.

(c) Compliance with Federal Law: The [state board of elections/elections commission] shall ensure that the statewide computerized voter registration list and database meet the requirements of the Help America Vote Act of 2002.

(d) Role of County and State Board of Elections: Each county board of elections shall maintain its records by using the statewide computerized voter registration system in accordance with rules promulgated by the State Board of Elections. Each county board of elections shall promptly enter into the statewide system all additions, deletions, and changes to its list of registered voters.

- (e) The [*Commissioner of Elections/appropriate chief election official*] shall work with the director of each state agency required to offer voter registration to:
- 1) develop an electronic voter registration program whereby clients of the agency may electronically apply to register to vote or request amendment of their voter file when they interact with that agency;
 - 2) require that all agency personnel offer clients the opportunity to register to vote or update their voting record during every application, renewal, recertification, and change of address transaction, whether such transaction is in person, by telephone, or electronic;
 - 3) ensure that information amending a citizen's voter registration file is maintained by the [*state board of elections*];
 - 4) ensure that each state agency required to offer voter registration obtains a digital image of the signature or an electronic signature of each applicant, as specified by state law, and transmits that record to the [*state board of elections*];
 - 5) require that each agency maintain records of the total number of clients offered registration, the number who accept the offer of voter registration, the number who decline to register, and the number who update their records by using the electronic program.

Section 4. State agencies required to offer voter registration must offer each eligible person applying or reapplying for services or updating his or her information with the agency the opportunity to register to vote, or amend their voter registration file, using the program described in Section 3(f).

Section 5. If any state employee refuses to implement or interferes with the implementation of this Act, his or her conduct shall be reported to the [*Commissioner of Elections/appropriate chief election official*], who will transmit such report to the (*chief law enforcement official of state*). If appropriate, the [*chief law enforcement official of state*] may take legal action pursuant to Section 6 of this Act.

Section 6. The [*chief law enforcement official of state*] may bring a civil action in an appropriate court for such declaratory or injunctive relief as is necessary to carry out this Act.

Section 7. Private Right of Action. (a) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the [*chief election official of the state*]. (b) If the violation is not corrected within 90 days after receipt of a notice under subsection (a) above, the aggrieved person may bring a civil action in an appropriate court for

declaratory or injunctive relief with respect to the violation. (c) Attorney's Fees: In a civil action under this section, the court may allow the prevailing party, other than the state, reasonable attorney's fees, including litigation expenses and costs.

Section 8. This Act shall take effect on [*date*].

Section 9. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.