

PERMANENT PORTABLE VOTER REGISTRATION

SECTION 1. This Act may be cited as the Permanent Portable Voter Registration Act.

SECTION 2. Requiring Portability of Voter Registration.

[State’s voter registration statute] is amended by inserting after Section ___ [the section in state election law describing methods of registration] the following new section:

Section ___. PORTABLE REGISTRATION

I. REQUIRING PORTABLE VOTER REGISTRATION WITHIN THE STATE

- a. Change of address or residence within [state] shall not disqualify any person as a voter. A person who has changed his or her permanent place of residence within [state], but who has not transferred voter registration to the new address, shall be permitted to vote a regular ballot at the polling place for the person's new address on the day of the election (including any days established for early voting) pursuant to subsection b of this section.
- b. An elector who moves from the precinct in which the elector is registered shall be permitted to change his or her place of residence and vote by regular ballot in the precinct to which he or she has moved his or her legal residence for voting purposes, if the elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, ...(Name of voter)..., swear (or affirm) that the former address of my legal residence was ...(Address of legal residence)... in the municipality of in County, [State], and I was registered to vote at this address; that I have not voted in the precinct of my former registration in this election; that I now reside at the following address:

Address.....

Municipality.....

County.....

[State], Zip.....

I further swear (or affirm) that I am otherwise legally registered, eligible and entitled to vote.

...(Signature of voter whose address of legal residence has changed)...

II. REQUIRING PORTABLE VOTER REGISTRATION FOR VOTERS WHOSE NAME CHANGES BECAUSE OF LEGAL PROCESS

- a. An elector whose name is changed from that on his or her voter registration, because of marriage or other legal process, shall be permitted to vote under his or her new name, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered Voter

Under penalties for false swearing, I, ...(New name of voter)..., swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration records as follows:

Name.....

Address.....

Municipality.....

County.....

[State], Zip.....

My present name and address of legal residence are as follows: Name.....
.....

Address.....

Municipality.....

County.....

[State], Zip.....

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

...(Signature of voter whose name has changed)...

- b. Instead of the affirmation contained in paragraph 1(b) or paragraph 2(a), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.
- c. Such affirmation or application, when completed and presented at the precinct in which such elector is entitled to vote, upon verification that the elector is a registered voter in the state, shall entitle such elector to vote a regular ballot as provided in this subsection. If the elector’s registration record cannot be located in the state database, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in [section in state law pertaining to provisional ballots]. Upon receipt of an affirmation or application certifying a change in address of legal residence or name, the supervisor [or other local registration official] shall as soon as practicable make the necessary changes in the statewide voter registration system to indicate the change in address of legal residence or name of such elector.
- d. The Secretary of State [or state’s chief election official] shall ensure that each precinct shall have access to the statewide voter registration system to determine an elector’s eligibility to vote in accordance with this section. If access to the statewide voter registration database is not available at each precinct on the effective date of this Act, the Secretary of State [or state’s chief election official] shall, within 90 days of the effective date, present the legislature with a plan to comply with this provision within 12 months of enactment.
- e. Upon checking the voter’s eligibility, the election official shall direct the voter to go to a precinct in which the voter may cast a valid ballot pursuant to state law. It shall be the responsibility of the election official to inform the voter of the correct precinct in which to cast the voter’s ballot pursuant to state law. In cases where the voter is required to cast a provisional ballot and does so in the wrong precinct because of

the failure of the election official to direct the voter to the correct precinct, that ballot shall be counted in the following manner: the voter's ballot, regardless of where cast, shall be counted for the races and questions for which the voter was eligible to vote had the ballot been cast in the correct precinct.

- f. The Secretary of State [or state's chief election official] shall prescribe measures by which a voter may determine the voter's new polling place based on the voter's current legal residence, both over an internet site accessible to the public and by telephone. Such measures shall not require the voter to have previously updated the voter's registration and must comply with all applicable state and federal laws with regard to individuals with disabilities.

PROJECT VOTE'S MODEL BILLS ARE DESIGNED TO BE GENERIC EXAMPLES AND MAY BE CUSTOMIZED TO FIT WITH INDIVIDUAL STATE ELECTION CODES. PLEASE FEEL FREE TO CONTACT ESTELLE ROGERS, LEGISLATIVE DIRECTOR, AT EROGERS@PROJECTVOTE.ORG, IF YOU'D LIKE ASSISTANCE IN DRAFTING YOUR OWN STATE BILL.