



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004

Charles Allen
Councilmember, Ward 6
Chairperson
Committee on Transportation and the Environment

Committee Member
Business and Economic Development
Health
The Judiciary & Public Safety

March 21, 2024

Nyasha Smith, Secretary
Council of the District of Columbia
1390 Pennsylvania Ave, N.W.
Washington, DC 20004

Dear Secretary Smith:

Today, I am introducing the "Automatic Voter Registration Technical Amendment Act of 2024." Please find enclosed a signed copy of the legislation.

When the Council passed the Automatic Voter Registration Expansion Amendment Act of 2022 ("Act"), it was intended to build upon the District's already successful "front-end" automatic voter registration ("AVR") system with a "back-end" capability for District residents to activate or opt-out of voting registration after being placed on a pre-approved list when applying for certain government services, notably at the Department of Motor Vehicles ("DMV") and Department of Health Care Finance ("DHCF"). The Act aims to capture more eligible unregistered voters and better facilitate the process of registering to vote, and that is what it has been doing quite successfully to date.

However, in implementing the Act, several administrative challenges at the District of Columbia Board of Elections ("Board") and DMV have arisen. To resolve these challenges, this bill would do the following:

- Makes clear that all non-citizen persons should not have information sent to the Board by DMV during a transaction for a driver's license or identification card and the non-citizen person will not be registered to vote;
- Provides greater specificity regarding when the Board is required to update certain information, such as a change of name, residence address, or mailing address, for persons transacting services at a government agency and send the person a notice of any changes to their voter registration record for verification or correction;

- Eliminates the requirement in the Act that DMV, working with the Board, create a method or system for voter registration verification based on information on file with DMV and the Board;
- Clarifies DMV is only responsible for providing updated information such as legal name, date of birth, place of residence, mailing address, DMV-issued identification number or social security number, citizenship information, and electronic signature when updating existing voter registration information; and
- Changes the Act's applicability date to July 1, 2025 from January 1, 2025 so the Board has time to complete routine post-election activities following the 2024 Election.

These changes to the Act will streamline the District's automatic voter registration process and make access to the franchise easier for all eligible District residents. I look forward to working with my colleagues to pass this critical legislation. Please feel free to reach out to my Legislative Director, Antonio Nunes, with any questions or for additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles Allen", with a long horizontal flourish extending to the right.

Councilmember Charles Allen, Ward 6
Chairperson, Committee on Transportation & the Environment
Chair, Metropolitan Washington Council of Governments



Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Election Code of 1955 to make technical changes to automatic voter registration procedures and requirements for back-end automatic voter registration in the District; and to amend the Automatic Voter Registration Expansion Amendment Act of 2022 to modify the applicability date.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Automatic Voter Registration Technical Amendment Act of 2024”.

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

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

(1) Subsection (c)(1)(B)(i) is amended to read as follows:

“(i) Each DMV application for a DMV-issued driver’s license (including any renewal application) or nondriver’s identification card shall automatically serve as an application to register to vote. However, any person who, at the time of the transaction with the DMV provides a document that demonstrates non-citizenship shall not have any information transmitted to the Board and shall not be registered to vote; and”.

(2) Subparagraph (c)(1)(F) is amended to read as follows:

“(F)(i) If a person submits a change of name or address notice to the DMV, such application shall be considered notification to the Board of the change of name or address. If

35 the person who submits the notice is already registered or preregistered to vote or on the
36 preapproved for registration list, and the information provided in the notice differs from the
37 person's name, residence address, or mailing address on the voter roll or preapproved for
38 registration list, the Board shall use the information provided in the notice to update the person's
39 record pursuant to sub-subparagraph (iv) of this subparagraph.

40 “(ii) If the Board determines that information transmitted by the DMV
41 pursuant to subparagraph (c)(1)(D) of this section, section 7b(a), or section 7b(g), or by the
42 Department of Health Care Finance pursuant to section 7b(b), indicates that a person who is
43 already registered or preregistered to vote or who is on the preapproved for registration list has
44 supplied a name, residence address, or mailing address to the DMV or the Department of Health
45 Care Finance that differs from the person's name, residence address, or mailing address on file
46 with the Board, the Board shall use the information provided by the DMV or the Department of
47 Health Care Finance to update the person's record pursuant to sub-subparagraph (iv) of this
48 subparagraph.

49 “(iii)(I) If the Board determines that information transmitted by a
50 government agency designated pursuant to section 7b(c) or separately designated pursuant to this
51 sub-subparagraph indicates that a person who is already registered or preregistered to vote or who
52 is on the preapproved for registration list has supplied a name, residence address, or mailing
53 address as part of a transaction with the agency that differs from the person's name, residence
54 address, or mailing address on file with the Board, the Board shall use the information provided
55 by the agency to update the person's record pursuant to sub-subparagraph (iv) of this subparagraph.

56 “(II) The Board may designate a government agency to
57 provide information for purposes of updating registration records pursuant to this sub-
58 subparagraph without designating such agency pursuant to section 7b(c). A government agency

59 designated pursuant to this sub-subparagraph may include an agency of the federal government,
60 subject to the agreement of such agency.

61 “(iv) Upon receipt and identification of the information described in
62 sub-subparagraph (i), (ii), or (iii) of this subparagraph, the Board shall update the voter roll or
63 preapproved for registration list to reflect the change of name, residence address, or mailing
64 address and send to the person’s address of record, by forwardable mail, notice of the change and
65 a return form and postage-paid, preaddressed envelope by which the person may verify or correct
66 the information.

67 “(v) If the person returns the form described in sub-subparagraph (iv)
68 of this subparagraph and indicates that the change to the voter roll or preapproved for registration
69 list was in error, the Board shall immediately correct the person’s previously updated information
70 in the voter roll or preapproved for registration list.”.

71 (3) Subsection (c)(1)(J) is repealed.

72 (4) Subsection (c)(1)(L) is amended by striking the phrase “in this subsection,” and
73 inserting the phrase “in this subsection and section 7b,” in its place.

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

75 (1) Subsection (a) is amended by striking the phrase “to vote, is not already
76 registered to vote in the District, and” and inserting the phrase “to vote, and” in its place.

77 (2) Subsection (d)(1) is amended by striking the phrase “the District,” and inserting
78 the phrase “the District or has already been added to the preapproved for registration list,” in its
79 place.

80 (3) A new subsection (g) is inserted to read:

81 “(g) The DMV shall provide to the Board, with a clear designation that such records
82 are only for purposes of updating existing records pursuant to section 7(c)(1)(F), the following

83 electronic records for any person who applies for a driver’s license (including a renewal or
84 correction) or nondriver’s identification card, is of sufficient age to register to vote or to preregister
85 to vote, for whom the DMV does not submit an application for voter registration to the Board
86 pursuant to § 1–1001.07(c)(1), whose information is not already subject to transmission pursuant
87 to subsection (a)(1) of this section, and who has not provided documentation demonstrating non-
88 citizenship:

89 “(1) Legal name;

90 “(2) Date of birth;

91 “(3) Residence;

92 “(4) Mailing address;

93 “(5) DMV-issued identification number or social security number;

94 “(6) Citizenship information, if available; and

95 “(7) Electronic signature, if available.”.

96 Sec. 3. Section 3(a)(1) of the Automatic Voter Registration Expansion Amendment Act of
97 2022, effective February 23, 2023 (D.C. Law 24-265; 70 DCR 198), is amended by striking the
98 phrase “January 1, 2025” and inserting the phrase “July 1, 2025” in its place.

99 Sec. 4. Fiscal impact statement.

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

103 Sec. 5. Effective date.

104 This act shall take effect following approval by the Mayor (or in the event of veto by the
105 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
106 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,

107 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
108 Columbia Register.