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SENATE BILL NO. 419

Offered January 21, 2000

A BILL to amend and reenact §§ 24.2-114, 24.2-405, and 24.2-707 of the Code of Virginia, relating to voter services at DMV offices.

Patrons—Miller, K.G., Colgan, Forbes, Lambert, Newman, Schrock, Watkins and Whipple; Delegates: Albo, Bloxom, Bryant, Cantor, Day, Devolites, Drake, Dudley, Howell, Johnson, Jones, S.C., Landes, O'Brien, Plum, Pollard, Rhodes, Rust, Sherwood and Wardrup

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-114, 24.2-405, and 24.2-707 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-114. Duties and powers of general registrar.

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar, establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412 and participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

2. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or, (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

3. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

3a. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and precinct registered voter lists used for the conduct of elections.

4. Accept a registration application submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant and promptly notify the applicant at the address shown on the application of the acceptance or denial of his registration.

5. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

6. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.

7. If a person is denied registration, promptly notify such person in writing of the denial and the reason for denial in accordance with § 24.2-422.

8. Verify the accuracy of the separate precinct registered voter lists provided for each election by the

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60 State Board, make the lists available to the precincts, and return the lists to the State Board after each
61 election for voting credit purposes.

62 9. After the return of the precinct registered voter lists by the State Board, retain the lists in his
63 principal office for two years for any federal election and for one year for any other election.

64 10. Maintain accurate and current registration records and comply with the requirements of this title
65 for the transfer, inactivation, and cancellation of voter registrations.

66 11. Whenever election districts, precincts, or polling places are altered, provide for entry into the
67 voter registration system of the proper district and precinct designations for each registered voter whose
68 districts or precinct have changed and notify each affected voter of changes affecting his districts or
69 polling place by mail.

70 12. Whenever any part of his county or city becomes part of another jurisdiction by annexation,
71 merger, or other means, transfer to the appropriate general registrar the registration records of the
72 affected registered voters. The general registrar for their new county or city shall notify them by mail of
73 the transfer and their new election districts and polling places.

74 13. When he registers any person who was previously registered in another state, notify the
75 appropriate authority in that state of the person's registration in Virginia.

76 14. At the request of the county or city chairman of any political party nominating a candidate for
77 the General Assembly, constitutional office, or local office by a method other than a primary, review
78 any petition required by the party in its nomination process to determine whether those signing the
79 petition are registered voters with active status.

80 15. Carry out such other duties as prescribed by the electoral board.

81 § 24.2-405. Persons who may obtain lists of registered voters.

82 A. The State Board shall furnish, at a reasonable price, lists of registered voters for their districts to
83 (i) courts of the Commonwealth and the United States for jury selection purposes, (ii) candidates for
84 election or political party nomination to further their candidacy, (iii) political party committees or
85 officials thereof for political purposes only, (iv) incumbent officeholders to report to their constituents,
86 and (v) nonprofit organizations which promote voter participation and registration for that purpose only.
87 The lists shall be furnished to no one else and used for no other purpose. However, the State Board is
88 authorized to furnish information from the voter registration system to general registrars for their official
89 use and to the Department of Motor Vehicles and other appropriate state agencies for maintenance of
90 the voter registration system. ~~Further, and notwithstanding any other provision of law, multijurisdictional~~
91 ~~staffing by general registrars and their staffs shall be allowed for voter registration pilot projects,~~
92 ~~approved by the State Board, that are located at facilities of the Department of Motor Vehicles.~~

93 B. The State Board shall furnish, at a reasonable price, lists of the addresses of registered voters for
94 their localities to local government census liaisons and their staffs for the sole purpose of providing
95 address information to the United States Bureau of the Census. The State Board shall also furnish, at a
96 reasonable price, such lists to the Clerk of the Senate and the Clerk of the House of Delegates for the
97 sole purpose of maintaining a database of constituent addresses for the General Assembly. The
98 information authorized under this subsection shall be furnished to no other person and used for no other
99 purpose. No list furnished under this subsection shall contain the name of any registered voter. For the
100 purpose of this subsection, the term "census liaison" shall have the meaning provided in 13 U.S.C. § 16.

101 C. In no event shall any list furnished under this section contain the social security number of any
102 registered voter except a list furnished to a court of the Commonwealth or of the United States for jury
103 selection purposes.

104 D. Any list furnished under subsection A of this section shall contain the post office box address in
105 lieu of the residence street address for any active or retired law-enforcement officer, as defined in
106 § 9-169 and in 5 U.S.C.A. § 8331 (20) but excluding officers whose duties relate to detention as defined
107 in paragraphs (A) through (D) of § 8331 (20), who has furnished at the time of registration or
108 subsequently, in addition to his street address, a post office box address for his residence for use on
109 such lists.

110 E. Any printed precinct list furnished under subsection A of this section shall contain the post office
111 box address in lieu of the residence street address for any party granted a protective order as described
112 in §§ 16.1-253.1, 16.1-253.4, 16.1-279.1, and 18.2-60.3, who has furnished at the time of registration or
113 subsequently, in addition to his street address, a post office box address for his residence for use on
114 such lists.

115 § 24.2-707. How ballots marked and returned by mail; cast in person; cast on voting equipment.

116 On receipt of a mailed absentee ballot, the voter shall, in the presence of a witness, (i) open the
117 sealed envelope marked "ballot within" and (ii) mark and refold the ballot, as provided in §§ 24.2-644
118 and 24.2-646 without assistance and without making known how he marked the ballot, except as
119 provided by § 24.2-704.

120 After the voter has marked his absentee ballot, he shall (i) enclose the ballot in the envelope
121 provided for that purpose, (ii) seal the envelope, (iii) fill in and sign the statement printed on the back

of the envelope in the presence of a witness, who shall sign the same envelope, (iv) enclose the ballot envelope and any required assistance form within the envelope directed to the electoral board, and (v) seal that envelope and mail it to the office of the electoral board or deliver it personally to the electoral board or the general registrar.

An applicant who makes his application to vote in person at a time when the printed ballots for the election are available shall follow the same procedure set forth above except that he shall complete the procedure in person in the office of the general registrar or secretary of the electoral board, or at another location or locations in the county or city approved by the electoral board, before a registrar, the secretary, or, if a ballot is cast at that time, before the officers of election appointed by the electoral board. Any such location shall be in a public building owned or leased by the city, the county, or a town within the county, *or prior to July 1, 2001, in a Department of Motor Vehicles facility approved as an absentee voting pilot site by the State Board of Elections*, with adequate facilities for the protection of all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location. Such location shall be deemed the equivalent of the office of the general registrar or secretary of the electoral board for the purpose of completing the application for an absentee ballot in person pursuant to §§ 24.2-701 and 24.2-706.

Failure to follow the procedures set forth above shall render the applicant's ballot void.

The electoral board of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The State Board shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants on voting equipment which has been certified, and is currently approved, by the State Board. The procedures shall be applicable and uniformly applied by the State Board to all jurisdictions using comparable voting equipment. At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.

The requirement that officers of election shall be present if ballots are cast on voting equipment prior to election day shall not be applicable when the voting equipment is located in the office of the general registrar or secretary of the electoral board, *or before July 1, 2001, in a voter registration office located in a Department of Motor Vehicles facility regularly staffed by one or more general registrars' offices and authorized as an absentee voting pilot site by the State Board of Elections*, and ~~the~~ a general registrar, an assistant registrar, or the secretary of the electoral board is present.