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SENATE BILL NO. 420

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on March 6, 2000)

(Patron Prior to Substitute—Senator Miller, K.G.)

A BILL to amend and reenact §§ 24.2-114, 24.2-411.1, 24.2-417, 24.2-424, 24.2-427, 24.2-428, and 24.2-428.2 of the Code of Virginia, and to repeal § 24.2-425, relating to voter registration.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-114, 24.2-411.1, 24.2-417, 24.2-424, 24.2-427, 24.2-428, and 24.2-428.2 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 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.

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 *or request for transfer or change of address* submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications *and requests for transfer or change of address* from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application *or request* 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 *or request for transfer or change of address* 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 *or request* of the acceptance or denial of his registration *or transfer*.

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

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

10. Maintain accurate and current registration records and comply with the requirements of this title

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for the transfer, inactivation, and cancellation of voter registrations.

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

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

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

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

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

§ 24.2-411.1. Offices of the Department of Motor Vehicles.

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department to:

1. Apply for, replace, or renew a driver's license;
2. Apply for, replace, or renew a special identification card; or
3. Change an address on an existing driver's license or special identification card.

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter pursuant to § 24.2-424. The notification and the registered voter's registration record shall be transmitted as directed by the State Board of Elections to the appropriate general registrar who shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-425 § 24.2-424.

C. The completed voter registration portion of the application shall be transmitted as directed by the State Board not later than five business days after the date of receipt.

D. The State Board of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number of any applicant for voter registration.

§ 24.2-417. Persons to be registered.

Each registrar shall register every resident of his county or city who has the qualifications required by the Constitution of Virginia and this title and who applies for registration *or transfer of his registration from another county or city in the Commonwealth* at the time and in the manner required by law.

Any person, once properly registered, shall remain registered unless his registration is cancelled pursuant to Article 5 (§ 24.2-427 et seq.) of this chapter.

§ 24.2-424. Change of registered voter's address within the Commonwealth.

A. Whenever a registered voter changes his place of residence within the ~~same county or city~~ Commonwealth, he shall promptly notify ~~in writing the~~ any general registrar of the address of his new

residence. ~~On~~ Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections. The notice shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.

B. If the voter has moved within the same county or city, on receipt of the notification, the general registrar for that county or city shall (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into another precinct within the same county or city, transfer the registration of the voter to that precinct; and (iii) issue the voter a new voter registration card. This transfer may be entered in the registration records at any time the registration records are not closed pursuant to § 24.2-416.

C. Any request for transfer or change of address within the Commonwealth delivered to any registrar shall be forwarded to the general registrar for the city or county in the Commonwealth where the voter now resides. When forwarding said notice, or upon request from the registrar for the county or city where the voter now resides, the registrar for the county or city where the voter formerly resided shall forward the original application for registration to the registrar for the voter's new locality.

D. Upon receipt of the voter's original registration application, and notice as specified in subsection A of this section indicating the voter's current residence, the registrar for the county or city in which the voter currently resides shall: (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into a precinct within that county or city, transfer the registration of the voter to that precinct; (iii) issue the voter a new voter registration card; and (iv) notify the registrar of the locality where the voter formerly resided that the registration has been transferred. This transfer may be entered in the registration records at any time the registration records are not closed pursuant to § 24.2-416.

§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified to vote.

Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar. When submitted by any means other than when notarized or in person, such cancellation must be made at least ~~sixty~~ twenty-nine days prior to an election in order to be valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or by first-class mail that his registration has been canceled within ten days of receipt of such authorization.

The general registrar shall cancel the registration of (i) all persons known by him to be deceased or disqualified to vote by reason of a felony conviction or adjudication of incapacity and (ii) all persons for whom a notice has been received, signed by the voter or the registration official of another jurisdiction, that the voter has moved from the ~~county or city~~ Commonwealth. The notice received in clause (ii) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered.

§ 24.2-428. Regular periodic review of registration records; notice to voters identified as having moved; placement on inactive status for failure to respond to notice.

A. The State Board shall establish a voter list maintenance program using the change of address information supplied by the United States Postal Service through its licensees or by other reliable sources to identify voters whose addresses may have changed. Any such program shall be regular and periodic and shall be conducted at least annually. The program shall be completed not later than ninety days prior to the date of a federal primary or federal general election.

B. If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address in the same county or city in which the voter is currently registered, the State Board of Elections shall provide to the general registrar the information necessary to change the registration records to show the new address, and the *State Board of Elections or the* general registrar shall send to the new address of the voter by forwardable mail, a notice of the change, along with a postage prepaid, pre-addressed return card by which the voter may verify or correct the address information.

C. If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address not in the same county or city, *the State Board of Elections or* the general registrar shall send to the last known address of the voter by forwardable mail, a notice on a form prescribed by the State Board, along with a postage prepaid and pre-addressed return card on which the voter may state his current address.

D. The registered voter shall complete and sign the return card subject to felony penalties for making false statements pursuant to § 24.2-1016.

183 E. The general registrar shall correct his registration records from the information obtained from the
184 return card. If the information indicates that the registered voter has moved to another general registrar's
185 jurisdiction within the Commonwealth, the general registrar shall transfer the registration record, along
186 with the return card, to the appropriate general registrar who shall treat the request for a change of
187 address as a request for transfer and shall send a voter registration card as confirmation of the transfer to
188 the voter pursuant to ~~§ 24.2-425~~ § 24.2-424. If the general registrar does not receive the return card
189 provided for in subsection C of this section within thirty days after it is sent to the voter, the registered
190 voter's name shall be placed on inactive status. A registered voter's failure to receive the notice shall not
191 affect the validity of the inactivation.

192 § 24.2-428.2. Return of registered voter to active status.

193 A registered voter shall be returned to active status from inactive status if, during the period
194 beginning on the date the voter was assigned to inactive status and ending on the day of the second
195 general election for federal office thereafter, the voter:

196 1. Notifies the general registrar of a change of address within the county or city;

197 2. Responds to a confirmation notice with information that the voter continues to reside at the
198 registration address;

199 3. Votes or attempts to vote in a primary or a special or general election and, if necessary, corrects
200 the registration record; or

201 4. Transfers his registration to another county or city within the Commonwealth, pursuant to
202 ~~§ 24.2-425~~ § 24.2-424 or subsection E of § 24.2-428.

203 If the registered voter fails to take such action on or before the day of the second general election
204 for federal office after the voter was placed on inactive status, the general registrar shall cancel the
205 person's voter registration.

206 The general registrar shall post at the courthouse or have published in a newspaper of general
207 circulation in his county or city a list of names of persons whose registration has been cancelled
208 pursuant to this section. He shall deliver or mail, obtaining a certificate of mailing, a certified copy of
209 the list to the chairman of each political party in his county or city.

210 **2. That § 24.2-425 of the Code of Virginia is repealed.**