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HOUSE BILL NO. 2141

House Amendments in [] - January 30, 2007

A *BILL to amend and reenact §§ 24.2-107, 24.2-405, 24.2-406, 24.2-407.1, 24.2-411.1, 24.2-411.2, 24.2-416.5, 24.2-427, 24.2-444, 24.2-533, 24.2-706 and 24.2-1002.1 of the Code of Virginia, relating to voter list maintenance.*

Patron Prior to Engrossment—Delegate Brink

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-107, 24.2-405, 24.2-406, 24.2-407.1, 24.2-411.1, 24.2-411.2, 24.2-416.5, 24.2-427, 24.2-444, 24.2-533, 24.2-706 and 24.2-1002.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-107. Meetings; quorum; notice; account of proceedings; seal; records open to inspection.

The electoral board of each city and county shall meet during the first week in February and during the month of March each year at the time set by the board and at any other time on the call of any board member. Two members shall constitute a quorum. Notice of each meeting shall be given to all board members either by the secretary or the member calling the meeting at least three business days prior to the meeting except in the case of an emergency as defined in § 2.2-3701. Notice shall be given to the public as required by § 2.2-3707. All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless otherwise provided by this section. Notwithstanding the public notice requirements of § 2.2-3707, two or more members of an electoral board may meet on election day to discuss a matter concerning that day's election, where such matter requires resolution on that day, and an effort has been made by all available means to give notice of the meeting to all board members. The presence of two or more board members while the ballots, election materials, or voting equipment are being prepared, current or potential polling places are being inspected, or election officials are being trained, shall not constitute a meeting provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

The secretary shall keep an accurate account of all board proceedings in a minute book, including all appointments and removals of general registrars and officers of election. The secretary shall keep in his custody the duly adopted seal of the board.

Books, papers, and records of the board shall be open to inspection by any registered voter whenever the general registrar's office is open for business either at the office of the board or the office of the general registrar.

No election record containing an individual's social security number, *or any part thereof*, shall be made available for inspection or copying by anyone. The State Board of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in certificates of candidate qualification available in a manner that does not reveal social security numbers *or any parts thereof*.

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

A. The State Board shall furnish, at a reasonable price, lists of registered voters for their districts to (i) courts of the Commonwealth and the United States for jury selection purposes, (ii) candidates for election or political party nomination to further their candidacy, (iii) political party committees or officials thereof for political purposes only, (iv) political action committees that have filed a current statement of organization with the State Board pursuant to § 24.2-949.2, or with the Federal Elections Commission pursuant to federal law, for political purposes only, (v) incumbent officeholders to report to their constituents, and (vi) nonprofit organizations that promote voter participation and registration for that purpose only. The lists shall be furnished to no one else and used for no other purpose. However, the State Board is authorized to furnish information from the voter registration system to general registrars for their official use and to the Department of Motor Vehicles and other appropriate state agencies for maintenance of the voter registration system, *and to the Chief Election Officers of other states for maintenance of voter registration systems.*

B. The State Board shall furnish, at a reasonable price, lists of the addresses of registered voters for their localities to local government census liaisons and their staffs for the sole purpose of providing address information to the United States Bureau of the Census. The State Board shall also furnish, at a reasonable price, such lists to the Clerk of the Senate and the Clerk of the House of Delegates for the sole purpose of maintaining a database of constituent addresses for the General Assembly. The information authorized under this subsection shall be furnished to no other person and used for no other

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59 purpose. No list furnished under this subsection shall contain the name of any registered voter. For the
60 purpose of this subsection, the term "census liaison" shall have the meaning provided in 13 U.S.C. § 16.

61 C. In no event shall any list furnished under this section contain the social security number, *or any*
62 *part thereof*, of any registered voter except a list furnished to a court of the Commonwealth or of the
63 United States for jury selection purposes, *or to the Chief Election Officer of another state permitted to*
64 *use social security numbers, or any part thereof, that provides for the use of such numbers on*
65 *applications for voter registration in accordance with federal law, for maintenance of voter registration*
66 *systems.*

67 D. Any list furnished under subsection A of this section shall contain the post office box address in
68 lieu of the residence street address for any active or retired law-enforcement officer, as defined in
69 § 9.1-101 and in 5 U.S.C. § 8331(20) but excluding officers whose duties relate to detention as defined
70 in paragraphs (A) through (D) of § 8331(20), who has furnished at the time of registration or
71 subsequently, in addition to his street address, a post office box address located in the Commonwealth
72 for use on such lists.

73 E. Any list furnished under subsection A of this section shall contain the post office box address in
74 lieu of the residence street address for any party granted a protective order issued by or under the
75 authority of any court of competent jurisdiction, including but not limited to courts of the
76 Commonwealth of Virginia, who has furnished at the time of registration or subsequently, in addition to
77 his street address, a post office box address located in the Commonwealth for use on such lists.

78 F. Any list furnished under subsection A shall contain the post office box address in lieu of the
79 residence street address for any party who has furnished at the time of registration or subsequently, (i)
80 in addition to his street address, a post office box address located in the Commonwealth for use on such
81 lists and (ii) a signed written statement by the party that he is in fear for his personal safety from
82 another person who has threatened or stalked him accompanied by evidence that he has filed a
83 complaint with a magistrate or law-enforcement official against such other person. The statement
84 furnished pursuant to clause (ii) of this subsection shall be subject to felony penalties for false
85 statements pursuant to § 24.2-1016.

86 § 24.2-406. Persons who may obtain lists of persons voting at primaries and elections.

87 A. The State Board shall furnish to candidates, elected officials, or political party chairmen and to no
88 one else, on request and at a reasonable price, lists for their districts of persons who voted at any
89 primary, special, or general election held in the four preceding years. Such lists shall be used only for
90 campaign and political purposes and for reporting to constituents.

91 *B. The State Board shall furnish to the Chief Election Officer of another state, on request and at a*
92 *reasonable price, lists of persons who voted at any primary, special, or general election held for the*
93 *four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration*
94 *systems [and shall be transmitted in accordance with security policies approved by the State Board of*
95 *Elections] .*

96 C. In no event shall any list furnished under this section contain the social security number, *or any*
97 *part thereof*, of any registered voter, *except for a list furnished to the Chief Election Officer of another*
98 *state permitted to use social security numbers, or any part thereof, that provides for the use of such*
99 *numbers on applications for voter registration in accordance with federal law, for maintenance of voter*
100 *registration systems.*

101 D. Any list furnished under this section shall contain the post office box address in lieu of the
102 residence street address for any active or retired law-enforcement officer, as defined in § 9.1-101 and in
103 5 U.S.C. § 8331(20) but excluding officers whose duties relate to detention as defined in paragraphs (A)
104 through (D) of § 8331(20), who has furnished at the time of registration or subsequently, in addition to
105 his street address, a post office box address located in the Commonwealth for use on such lists.

106 E. Any list furnished under this section shall contain the post office box address in lieu of the
107 residence street address for any party granted a protective order issued by or under the authority of any
108 court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia,
109 who has furnished at the time of registration or subsequently, in addition to his street address, a post
110 office box address located in the Commonwealth for use on such lists.

111 F. Any list furnished under this section shall contain the post office box address in lieu of the
112 residence street address for any party who has furnished at the time of registration or subsequently (i) in
113 addition to his street address, a post office box address located in the Commonwealth for use on such
114 lists and (ii) a signed written statement by the party that he is in fear for his personal safety from
115 another person who has threatened or stalked him accompanied by evidence that he has filed a
116 complaint with a magistrate or law-enforcement official against such other person. The statement
117 furnished pursuant to clause (ii) of this section shall be subject to felony penalties for false statements
118 pursuant to § 24.2-1016.

119 § 24.2-407.1. Prohibition on disclosure of social security numbers or parts thereof.

120 It shall be unlawful for any person who has obtained, under § 24.2-405 or § 24.2-406 or any prior

law, a list of persons registered or voting which contained social security numbers, *or any part thereof*, to disclose any voter's social security number, *or any part thereof*, to any other person. Any person maintaining a system containing social security numbers, *or any part thereof*, obtained from the Board shall delete or destroy the portion of his records containing those numbers, *except for a list furnished to a court of the Commonwealth or of the United States for jury selection purposes or the Chief Election Officer of another state, permitted to use social security numbers, or any part thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for the purpose of matching voter registration lists.*

§ 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. 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 § 24.2-424.

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, *or any part thereof*, of any applicant for voter registration.

§ 24.2-411.2. State-designated voter registration agencies.

A. The following agencies are designated as voter registration agencies in compliance with the National Voter Registration Act (42 U.S.C. § 1973gg et seq.) and shall provide voter registration opportunities at their state, regional, or local offices, depending upon the point of service:

1. Agencies whose primary function is to provide public assistance, including agencies that provide benefits under the Temporary Assistance for Needy Families program; Special Supplemental Food Program for Women, Infants, and Children; Medicaid program; or Food Stamps program;
2. Agencies whose primary function is to provide state-funded programs primarily engaged in providing services to persons with disabilities;
3. Armed Forces recruitment offices; and

4. The regional offices of the Department of Game and Inland Fisheries and the offices of the Virginia Employment Commission in the Northern Virginia Planning District 8.

B. The Secretary of the State Board of Elections, with the assistance of the Office of the Attorney General, shall compile and maintain a list of the specific agencies covered by subdivisions A 1 and A 2 that, in the legal opinion of the Attorney General, must be designated to meet the requirements of the National Voter Registration Act. The Secretary of the State Board of Elections shall notify each agency

182 of its designation and thereafter notify any agency added to or deleted from the list.

183 C. At each voter registration agency, the following services shall be made available on the premises
184 of the agency:

185 1. Distribution of mail voter registration forms provided by the State Board of Elections;

186 2. Assistance to applicants in completing voter registration application forms, unless the applicant
187 refuses assistance; and

188 3. Receipt of completed voter registration application forms.

189 D. A voter registration agency, which provides service or assistance in conducting voter registration,
190 shall make the following services available on the premises of the agency:

191 1. Distribution with each application for its service or assistance, or upon admission to a facility or
192 program, and with each recertification, readmission, renewal, or change of address form, of a voter
193 registration application prescribed by the State Board of Elections that complies with the requirements of
194 the National Voter Registration Act (42 U.S.C. § 1973gg et seq.).

195 2. Provision, as part of the voter registration process, of a form that includes:

196 a. The question: "If you are not registered to vote where you live now, would you like to apply to
197 register to vote here today?"

198 b. If the agency provides public assistance, the statement: "Applying to register or declining to
199 register to vote will not affect the amount of assistance that you will be provided by this agency."

200 c. Boxes for the applicant to check to indicate whether the applicant would like to register, declines
201 to register to vote, or is already registered (failure to check any box being deemed to constitute a
202 declination to register for purposes of subdivision 2 a), together with the statement (in close proximity
203 to the boxes and in prominent type): "IF YOU DO NOT CHECK ANY BOX, YOU WILL BE
204 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

205 d. The statement: "If you would like help in filling out the voter registration application form, we
206 will help you. The decision whether to seek help or accept help is yours. You may fill out the
207 application form in private."

208 e. The statement: "If you believe that someone has interfered with your right to register or to decline
209 to register to vote, or your right to privacy in deciding whether to register or in applying to register to
210 vote, you may file a complaint with the State Board of Elections." The statement shall include the
211 address and telephone number of the State Board.

212 f. The following statement accompanying the form which features prominently in boldface capital
213 letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS
214 FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER
215 VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN
216 PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

217 3. Provision to each applicant who does not decline to register to vote of the same degree of
218 assistance with regard to the completion of the voter registration application as is provided by the office
219 with regard to the completion of its own applications, unless the applicant refuses assistance.

220 E. If a voter registration agency designated under subsection A of this section provides services to a
221 person with a disability at the person's home, the agency shall provide the voter registration services as
222 provided for in this section.

223 F. A person who provides services at a designated voter registration agency shall not:

224 1. Seek to influence an applicant's political preference;

225 2. Display any material indicating the person's political preference or party allegiance;

226 3. Make any statement to an applicant or take any action the purpose or effect of which is to lead
227 the applicant to believe that a decision to register or not to register has any bearing on the availability of
228 services or benefits; or

229 4. Disclose, except as authorized by law for official use, the social security number, *or any part*
230 *thereof*, of any applicant for voter registration.

231 Any person who is aggrieved by a violation of this subsection may provide written notice of the
232 violation to the State Board of Elections. The Board shall be authorized to cooperate with the agency to
233 resolve the alleged violation. Nothing contained in this subsection shall prohibit an aggrieved person
234 from filing a complaint in accordance with § 24.2-1019 against a person who commits any election law
235 offense enumerated in §§ 24.2-1000 through 24.2-1016.

236 G. A completed voter registration application shall be transmitted as directed by the State Board of
237 Elections not later than five business days after the date of receipt.

238 H. Each state-designated voter registration agency shall maintain such statistical records on the
239 number of applications to register to vote as requested by the State Board of Elections.

240 § 24.2-416.5. Social security number or parts thereof not to be disclosed.

241 Any person assisting an applicant with the completion or return of a mail voter registration
242 application shall not copy, disclose or make any use of the social security number, *or any part thereof*,
243 of the applicant except as authorized by law for official use.

§ 24.2-427. (Effective January 1, 2007) Cancellation of registration by voter or for persons known to be deceased or disqualified to vote.

A. 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 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.

B. 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; (ii) all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1; ~~and~~ (iii) all persons for whom a notice has been received, signed by the voter or ~~from~~ the registration official of another jurisdiction, that the voter has moved from the Commonwealth; ~~and~~ (iv) *all persons for whom a notice has been received, signed by the voter or from the registration official of another jurisdiction, that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia.* The notice received in ~~clause~~ *clauses* (iii) ~~and~~ (iv) 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. The general registrar shall mail notice of any cancellation ~~pursuant to clause (ii)~~ to the person whose registration is cancelled.

C. The general registrar may cancel the registration of any person for whom a notice has been submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most recently been registered in Virginia. No general registrar may cancel registrations under this authority while the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this authority of any person entitled to register under the provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of cancellation.

§ 24.2-444. Registration records open to public inspection.

A. Except for records relating to the declinations to register to vote or the identity of a voter registration agency through which a particular voter is registered, registration records shall be kept and preserved by the general registrar and shall be opened to inspection by any registered voter at the office of the general registrar when the office is open for business. No voter registration record containing an individual's social security number, *or any part thereof*, shall be made available for inspection or copying by anyone. No voter registration record containing an individual's residence address shall be made available for inspection or copying by anyone if the individual has furnished a post office box address in lieu of his residence address as authorized by § 24.2-418.

B. The general registrars shall maintain for at least two years and shall make available for public inspection and copying and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records, except to the extent that the records relate to the declination to register to vote or the identity of a voter registration agency through which any particular voter is registered. The records maintained shall include lists of the names and addresses of all persons to whom notices are sent pursuant to §§ 24.2-428 and 24.2-428.1 and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

C. The State Board shall provide to each general registrar, for each precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name, addresses, date of birth, gender and all election districts applicable to each registered voter. New lists shall be provided not less than once each year to all localities except those in which an updated list is made available electronically for public inspection, and supplements containing additions, deletions and changes shall be provided not less than (i) weekly during the 60 days preceding any general election and (ii) monthly at other times. Notwithstanding any other provision of law regarding the retention of records, upon receipt of any new complete list, the general registrar shall destroy the obsolete list and its supplements.

§ 24.2-533. Party chairman entitled to copy pollbook at own expense.

Any political party chairman entitled to receive the certified copies of the primary results under § 24.2-532, or the state chairman of a political party under whose auspices a statewide primary is held, shall be entitled, at his own expense, to copy the pollbook for that primary retained by the clerk of

305 court after it has been returned by the secretary of the electoral board in accordance with § 24.2-671.
 306 Such copy may be made by any method agreed upon by the chairman and the clerk, including
 307 photocopying so long as the copying does not include copying any indicator of any voter's social
 308 security number, *or any part thereof*. The pollbook may not be altered in any way, or removed from the
 309 clerk's office, for copying. Any chairman entitled by this section to copy the pollbook may designate
 310 one or more representatives to carry out such copying, provided the designation is in writing and bears
 311 the chairman's original signature.

312 § 24.2-706. Duty of general registrar and electoral board on receipt of application; statement of voter.
 313 On receipt of an application for an absentee ballot, the general registrar shall enroll the name and
 314 address of each registered applicant on an absentee voter applicant list that shall be maintained in the
 315 office of the general registrar with a file of the applications of the listed applicants. The list and the
 316 applications shall be available for inspection and copying by any registered voter during regular office
 317 hours.

318 No list or application containing an individual's social security number, *or any part thereof*, shall be
 319 made available for inspection or copying by anyone. The State Board of Elections shall prescribe
 320 procedures for local electoral boards and general registrars to make the information in the lists and
 321 applications available in a manner that does not reveal social security numbers *or parts thereof*.

322 The completion and timely delivery of an application for an absentee ballot shall be construed to be
 323 an offer by the applicant to vote in the election.

324 The general registrar shall note on each application received whether the applicant is or is not a
 325 registered voter and notify the secretary of the electoral board. In reviewing the application for an
 326 absentee ballot, the general registrar and electoral board shall not reject the application of any individual
 327 because of an error or omission on any record or paper relating to the application, if such error or
 328 omission is not material in determining whether such individual is qualified to vote absentee.

329 If the application has been properly completed and signed and the applicant is a registered voter of
 330 the precinct in which he offers to vote, the electoral board shall immediately send to the applicant by
 331 mail, obtaining a certificate of mailing, or deliver to him in person in the office of the secretary or
 332 registrar, the following items and nothing else:

333 1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except
 334 in presence of a witness."

335 2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which
 336 envelope is printed the following:

337 "Statement of Voter."

338 "I do hereby state, subject to felony penalties for making false statements
 339 pursuant to § 24.2-1016, that my FULL NAME is (last, first,
 340 middle); that I am now or have been at some time since last November's
 341 general election a legal resident of (STATE YOUR LEGAL
 342 RESIDENCE IN VIRGINIA including the house number, street name or rural
 343 route address, city, zip code); that I received the enclosed ballot(s) upon
 344 application to the registrar of such county or city; that I opened the
 345 envelope marked 'ballot within' and marked the ballot(s) in the presence of
 346 the witness, without assistance or knowledge on the part of anyone as to
 347 the manner in which I marked it (or I am returning the form required to
 348 report how I was assisted); that I then sealed the ballot(s) in this
 349 envelope; and that I have not voted and will not vote in this election at
 350 any other time or place.

351 Signature of Voter

352 Date

353 Signature of witness "

354 For elections held after January 1, 2004, instead of the envelope containing the above oath, an
 355 envelope containing the standard oath prescribed by the presidential designee under section 101 (b) (7)
 356 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.) shall be sent
 357 to voters who are qualified to vote absentee under that Act.

358 3. A properly addressed envelope for the return of the ballot to the electoral board by mail or by the
 359 applicant in person.

360 4. Printed instructions for completing the ballot and statement on the envelope and returning the
 361 ballot.

362 For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of
 363 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time the
 364 voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with

his ballot: (i) a copy of a current and valid photo identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.), information provided by the State Board specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the State Board.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar or the secretary of the electoral board, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar or the secretary of the electoral board. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar or the secretary may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the electoral board shall mail or deliver in person to the applicant in the office of the secretary or general registrar, the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate of mailing shall not be required.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

§ 24.2-1002.1. Unlawful disclosure or use of social security number or part thereof.

Any person who discloses or makes any use of the social security number, *or any part thereof*, of any applicant for voter registration, except as authorized by law for official use, shall be guilty of a Class 5 felony.

[2. That the State Board of Elections shall monitor implementation of the provisions of this act and shall provide statistical reports to the General Assembly and the Governor annually beginning July 1, 2008.]