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HOUSE BILL NO. 3200

Offered January 19, 2007

A BILL to amend and reenact §§ 24.2-114 and 24.2-417.1 of the Code of Virginia, relating to elections; duties of registrars; registration residence requirements; certain presumptions.

Patron—Rapp

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-114 and 24.2-417.1 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 and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. 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.

3. 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.

4. 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.

5. 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 pollbooks used for the conduct of elections.

6. 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. However, notification shall not be required when the registrar does not have an address for the applicant. *Registrars shall process registration applications from full-time students who are residents of Virginia and attending an institution of higher education in the Commonwealth in accordance with the provisions of § 24.2-417.1 and written instructions from the State Board.*

7. 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.

8. 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.

9. If a person is denied registration, promptly notify such person in writing of the denial and the

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59 reason for denial in accordance with § 24.2-422.

60 10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the
61 pollbooks available to the precincts, and according to the instructions of the State Board return the
62 pollbooks, or transfer a copy of the data from any electronic pollbooks, to the State Board after each
63 election for voting credit purposes.

64 11. After the return of the pollbooks by the State Board, retain the pollbooks in his principal office
65 for two years from the date of the election.

66 12. Maintain accurate and current registration records and comply with the requirements of this title
67 for the transfer, inactivation, and cancellation of voter registrations.

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

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

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

78 16. Whenever any person is believed to be registered or voting in more than one state or territory of
79 the United States at the same time, inquire about, or provide information from the voter's registration
80 and voting records to any appropriate voter registration or other authority of another state or territory
81 who inquires about, that person's registration and voting history.

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

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

87 19. Attend, or designate one member of his staff to attend, an annual training program provided by
88 the State Board.

89 § 24.2-417.1. Registration residence requirements; presumptions in certain cases.

90 In determining the residence as defined in § 24.2-101 and the domicile and place of abode of a
91 participant in the American Conservation and Youth Service Corps provided for by federal law (42
92 U.S.C. § 12655 et seq.), there shall be a presumption that a participant in the Corps who was domiciled
93 and had a place of abode in Virginia at the time of entering the Corps continues to be domiciled and
94 retains the same place of abode unless the participant expressly states otherwise.

95 In determining the residence as defined in § 24.2-101 and domicile and place of abode of a military
96 or merchant marine spouse or dependent, there shall be a presumption that a military or merchant
97 marine spouse or dependent who has established physical presence and a place of abode in the
98 Commonwealth shall also have established domicile in the Commonwealth unless the spouse or
99 dependent expressly states otherwise. Once residence is changed, the military or merchant marine spouse
100 or dependent may not revert to any previous residence without re-establishing new physical presence and
101 intent to remain or return.

102 *In determining the residence as defined in § 24.2-101 and the domicile and place of abode of a*
103 *full-time student who is a resident of Virginia and is attending an institution of higher education in the*
104 *Commonwealth, there shall be a presumption that the address given by the student as the address of his*
105 *residence in the Commonwealth is his domicile whether the address is his place of abode while*
106 *attending the institution of higher education or whether the address is his place of abode in Virginia*
107 *when he is not in attendance at the institution of higher education. The student shall not be required to*
108 *have an intent to reside indefinitely at the address given by him.*