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SENATE BILL NO. 940

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact §§ 24.2-405, 24.2-406, and 24.2-418 of the Code of Virginia, relating to elections; voter registration lists and applications; victims of domestic violence.

Patrons—Ticer, Howell and Puller; Delegates: Amundson, Bulova, Caputo, Marsden, Moran, Plum, Scott, J.M. and Watts

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-405, 24.2-406, and 24.2-418 of the Code of Virginia are amended and reenacted as follows:

§ 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.

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

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

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

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

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

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

The State Board shall furnish to candidates, elected officials, or political party chairmen and to no

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SB940

one else, on request and at a reasonable price, lists for their districts of persons who voted at any primary, special, or general election held in the four preceding years. Such lists shall be used only for campaign and political purposes and for reporting to constituents.

In no event shall any list furnished under this section contain the social security number of any registered voter.

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

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

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

§ 24.2-418. Application for registration.

Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored.

The form shall permit any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20) but excluding officers whose duties relate to detention as defined in paragraphs (A) through (D) of § 8331(20), to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, or on voter registration records made available for public inspection pursuant to § 24.2-444.

The form shall permit any *person who has been the victim of a domestic violence offense or any party* granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia, to furnish, in addition to his street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, or on voter registration records made available for public inspection pursuant to § 24.2-444. *For the purposes of this section and §§ 24.2-405 and 24.2-406, the term "domestic violence" shall mean an act as defined in subdivision 7 of § 38.2-508 and include the threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law-enforcement officers.*

The form shall permit any party, who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person, to furnish, in addition to his street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, that are furnished pursuant to §§ 24.2-405 and 24.2-406, or on voter registration records made available for public inspection pursuant to § 24.2-444.

2. That the provisions of this act shall become effective on January 1, 2008.