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HOUSE BILL NO. 1607

Offered January 14, 2009

Prefiled November 12, 2008

A *BILL to amend and reenact §§ 24.2-418, 24.2-418.1, 24.2-423, 24.2-424, 24.2-441, 24.2-443.2, 24.2-444, and 24.2-1004 of the Code of Virginia, relating to online voter registration.*

Patron—Poisson

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-418, 24.2-418.1, 24.2-423, 24.2-424, 24.2-441, 24.2-443.2, 24.2-444, and 24.2-1004 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-418. Application for registration.

A. 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.

B. *The State Board shall permit an application to register to be submitted electronically through its website and shall set up and employ security measures to ensure the accuracy and integrity of such applications. Only an applicant who possesses a valid driver's license or identification card issued by the Department of Motor Vehicles shall be permitted to submit an electronic application. The applicant shall be required to affirmatively attest to the truth of the information provided on an electronic application.*

C. 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. *If the applicant submits his registration electronically pursuant to subsection B, the application shall require the applicant to provide his driver's license or identification card number, and the applicant shall affirmatively assent to the use of his driver's license or state identification card signature for voter registration purposes. For each electronic application, the State Board shall verify that the information provided by the applicant matches the information contained in the Department of Motor Vehicles' records for the applicant and shall obtain from the Department of Motor Vehicles an electronic copy of the applicant's signature.*

D. 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 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.

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.

§ 24.2-418.1. Receipt for voter registration applicants.

A. The state form for the application to register to vote shall contain a receipt that shall be given to the applicant upon his completion of the form. The receipt shall be completed by the person receiving the form from the applicant and shall include the following information: the name of the office, group, or person receiving the registration application; the date that the office, group, or person received the

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59 registration application from the applicant; and the phone number of the general registrar or the toll-free
60 phone number of the State Board of Elections that the applicant may call to confirm his registration.

61 B. The requirement to complete the receipt as provided in subsection A shall not be applicable when
62 a completed form is mailed directly to or completed in the office of a general registrar or the State
63 Board of Elections *or when completed electronically on the State Board's website.*

64 § 24.2-423. Notice of change of name of registered voter.

65 Whenever a registered voter changes his legal name, either by marriage, divorce, order of court, or
66 otherwise, the voter shall promptly notify the general registrar of the jurisdiction where he is registered.
67 Such notice may be made in writing or on a form approved by the State Board of Elections, ~~which may~~
68 ~~be electronic including an electronic form submitted on the State Board's website.~~ The notice in writing
69 may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable
70 to sign, in which case his own mark acknowledged by a witness shall be sufficient signature. ~~The State~~
71 ~~Board is authorized to conduct a pilot program, under which electronic notice may be provided by~~
72 ~~electronic mail or such other electronic means as may be permitted by the State Board and signed by~~
73 ~~the voter in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.).~~ The
74 general registrar shall enter the new name on the registration records and issue the voter a new voter
75 registration card.

76 § 24.2-424. Change of registered voter's address within the Commonwealth.

77 A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall
78 promptly notify any general registrar of the address of his new residence. Such notice may be made in
79 person, in writing, by return of the voter registration card noting the new address, or on a form
80 approved by the State Board of Elections, ~~which may be electronic including an electronic form~~
81 ~~submitted on the State Board's website.~~ The notice in writing may be provided by mail or by facsimile
82 and shall be signed by the voter unless he is physically unable to sign, in which case his own mark
83 acknowledged by a witness shall be sufficient signature. ~~The State Board is authorized to conduct a pilot~~
84 ~~program, under which electronic notice may be provided by electronic mail or such other electronic~~
85 ~~means as may be permitted by the State Board and signed by the voter in a manner consistent with the~~
86 ~~Uniform Electronic Transactions Act (§ 59.1-479 et seq.).~~ The fact that a voter provides an address on a
87 candidate or referendum petition that differs from the address for the voter on the voter registration
88 system shall not be deemed sufficient notice, in and of itself, to change the voter's registration address.
89 Any statements made by any voter applying for transfer are subject to felony penalties for making a
90 false statement pursuant to § 24.2-1016.

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

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

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

110 E. If the original registration application is no longer available to the registrar in the city or county
111 where the voter formerly resided, either of the following shall be sent to and accepted by the registrar in
112 the city or county where the voter now resides in lieu of such application: (i) an unsigned voter card (or
113 "conversion card") used as the voter record upon the creation of the statewide voter registration system
114 or (ii) a replacement record provided by the State Board to replace damaged files in the registrar's
115 office. If no other record is available, then the registrar of the voter's former locality shall provide
116 written notification to the registrar of the locality in which the voter now resides that none of the
117 required documents are available. In this instance only, the registrar of the locality in which the voter
118 now resides shall copy the voter's record from the Virginia voter registration system and use that record
119 in lieu of the original voter registration application. Any complete voter registration application on a
120 form previously authorized for use in Virginia shall be valid for the purposes of continuing or

transferring a voter's registration within the Commonwealth.

§ 24.2-441. Application for temporary registration.

Any person intending to register and vote under the provisions of this article shall apply by mail to the general registrar of the county or city in which he wishes to vote prior to the federal election, *or shall apply electronically on the State Board's website pursuant to subsection B of § 24.2-418*. The application shall be on a form prescribed or approved by the State Board or on a Federal Post Card Application. The application shall be signed by the applicant who shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information required for registration under *subsection C of § 24.2-418*, the applicant's resident address of previous domicile in Virginia and date of departure from this domicile, if applicable, and any information necessary to implement the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.).

§ 24.2-443.2. Application for temporary registration.

Any person intending to register and vote under the provisions of this article shall apply to the general registrar of the county or city in which he had been registered immediately preceding his moving overseas prior to the election in which he seeks to vote, *or shall apply electronically on the State Board's website pursuant to subsection B of § 24.2-418*. The application shall be on a form prescribed or approved by the State Board or on a Federal Post Card Application. The application shall be signed by the applicant who shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information required for registration under *subsection C of § 24.2-418* and the provisions of this article, including the applicant's resident address of previous place of abode and domicile in Virginia and any additional information necessary to implement the provisions of this article.

§ 24.2-444. Duties of general registrars and State Board of Elections as to voter registration records; public inspection; exceptions.

A. Registration records shall be kept and preserved by the general registrar in compliance with §§ 2.2-3803, 2.2-3808, and 24.2-114. The State Board shall provide to each general registrar, for each precinct in his county or city, lists of registered voters for inspection and lists of persons registering pursuant to §§ 24.2-442 and 24.2-443.3. The lists shall contain the name, address, year of birth, gender and all election districts applicable to each registered voter. The lists shall be opened to public inspection at the office of the general registrar when the office is open for business. 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. The State Board shall provide to each general registrar lists of persons denied registration for public inspection. Such lists may be provided electronically through the Virginia voter registration system and produced in whole or in part upon a request for public inspection.

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 pursuant to §§ 24.2-427, 24.2-428 and 24.2-428.1, including lists of the names and addresses of all persons to whom notices are sent, and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

C. No list provided by the State Board under subsection A nor any record made available for public inspection under subsection B shall contain any of the following information: (i) an individual's social security number, or any part thereof; (ii) the residence address of an individual who has furnished a post office box address in lieu of his residence address as authorized by *subsection D of § 24.2-418*; (iii) the declination by an individual to register to vote and related records; (iv) the identity of a voter registration agency through which a particular voter is registered; or (v) the day and month of birth of an individual. No voter registration records other than the lists provided by the State Board under subsection A and the records made available under subsection B shall be open to public inspection.

§ 24.2-1004. Illegal voting and registrations.

A. Any person who (i) votes knowing that he is not qualified to vote where and when the vote is to be given, (ii) procures, assists, or induces another to vote, knowing that such person is not qualified to vote where and when the vote is to be given, or (iii) wrongfully deposits a ballot in the ballot container or casts a vote on any voting equipment, is guilty of a Class 1 misdemeanor.

B. Any person who intentionally (i) votes more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, or (ii) procures, assists, or induces another to vote more than once in the same election, whether those votes are cast in Virginia or in Virginia and any other state or territory of the United States, is guilty of a Class 6 felony.

C. Any person who intentionally (i) registers to vote at more than one residence address at the same

182 time, whether such registrations are in Virginia or in Virginia and any other state or territory of the
183 United States, or (ii) procures, assists, or induces another to register to vote at more than one address at
184 the same time, whether such registrations are in Virginia or in Virginia and any other state or territory
185 of the United States, is guilty of a Class 6 felony. This subsection shall not apply to any person who,
186 when registering to vote, changing the address at which he is registered, transferring his registration, or
187 assisting another in registering, changing his address, or transferring his registration, provides the
188 information required by *subsection C of § 24.2-418* on the applicant's place of last previous registration
189 to vote.