

090304808

SENATE BILL NO. 1365

Offered January 14, 2009

Prefiled January 14, 2009

A *BILL to amend and reenact §§ 24.2-405, 24.2-406, 24.2-418, and 24.2-444 of the Code of Virginia, relating to addresses of protected voters.*

Patron—Ticer

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-405, 24.2-406, 24.2-418, and 24.2-444 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, 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 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, or any part thereof, of any registered voter except a list furnished to a court of the Commonwealth or of the United States for jury selection purposes, or to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

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);~~ individual 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 pursuant to subsection B of § 24.2-418.

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 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.

INTRODUCED

SB1365

59 § 24.2-406. Persons who may obtain lists of persons voting at primaries and elections.

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

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

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

74 D. Any list furnished under this section shall contain the post office box address in lieu of the
75 residence street address for any ~~active or retired law-enforcement officer, as defined in § 9.1-101 and in~~
76 ~~5 U.S.C. § 8331(20) but excluding officers whose duties relate to detention as defined in paragraphs (A)~~
77 ~~through (D) of § 8331(20), individual~~ who has furnished at the time of registration or subsequently, in
78 addition to his street address, a post office box address located in the Commonwealth for use on such
79 lists pursuant to subsection B of § 24.2-418.

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

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

93 § 24.2-418. Application for registration.

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

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

103 B. The form shall permit any ~~active or retired law-enforcement officer, as defined in § 9.1-101 and in~~
104 ~~5 U.S.C. § 8331(20) but excluding officers whose duties relate to detention as defined in paragraphs (A)~~
105 ~~through (D) of § 8331(20), individual, as follows, or member of his household,~~ to furnish, in addition to
106 his residence street address, a post office box address located within the Commonwealth to be included
107 in lieu of his street address on the lists of registered voters and persons who voted, which are furnished
108 pursuant to §§ 24.2-405 and 24.2-406, or on voter registration records made available for public
109 inspection pursuant to § 24.2-444-.

110 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20),
111 but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

112 The form shall permit any2. Any party granted a protective order issued by or under the authority of
113 any court of competent jurisdiction, including but not limited to courts of the Commonwealth of
114 Virginia, to furnish, in addition to his street address, a post office box address located within the
115 Commonwealth to be included in lieu of his street address on the lists of registered voters and persons
116 who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, or on voter registration records
117 made available for public inspection pursuant to § 24.2-444-;

118 The form shall permit any3. Any party, who has furnished a signed written statement by the party
119 that he is in fear for his personal safety from another person who has threatened or stalked him,
120 accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official

121 against such other person; to furnish, in addition to his street address, a post office box address located
122 within the Commonwealth to be included in lieu of his street address on the lists of registered voters
123 and persons who voted; that are furnished pursuant to §§ 24.2-405 and 24.2-406, or on voter registration
124 records made available for public inspection pursuant to § 24.2-444.; and

125 4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2.

126 § 24.2-444. Duties of general registrars and State Board of Elections as to voter registration records;
127 public inspection; exceptions.

128 A. Registration records shall be kept and preserved by the general registrar in compliance with
129 §§ 2.2-3803, 2.2-3808, and 24.2-114. The State Board shall provide to each general registrar, for each
130 precinct in his county or city, lists of registered voters for inspection and lists of persons registering
131 pursuant to §§ 24.2-442 and 24.2-443.3. The lists shall contain the name, address, year of birth, gender
132 and all election districts applicable to each registered voter. The lists shall be opened to public
133 inspection at the office of the general registrar when the office is open for business. New lists shall be
134 provided not less than once each year to all localities except those in which an updated list is made
135 available electronically for public inspection, and supplements containing additions, deletions, and
136 changes shall be provided not less than (i) weekly during the 60 days preceding any general election and
137 (ii) monthly at other times. Notwithstanding any other provision of law regarding the retention of
138 records, upon receipt of any new complete list, the general registrar shall destroy the obsolete list and its
139 supplements. The State Board shall provide to each general registrar lists of persons denied registration
140 for public inspection. Such lists may be provided electronically through the Virginia voter registration
141 system and produced in whole or in part upon a request for public inspection.

142 B. The general registrars shall maintain for at least two years and shall make available for public
143 inspection and copying and, where available, photocopying at a reasonable cost, all records concerning
144 the implementation of programs and activities conducted for the purpose of ensuring the accuracy and
145 currency of the registration records pursuant to §§ 24.2-427, 24.2-428 and 24.2-428.1, including lists of
146 the names and addresses of all persons to whom notices are sent, and information concerning whether
147 each person has responded to the notice as of the date that inspection of the records is made.

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