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SENATE BILL NO. 848

Offered January 14, 2009

Prefiled December 29, 2008

A BILL to amend and reenact § 24.2-417.1 of the Code of Virginia, relating to voter registration residence requirements; students.

Patrons—Edwards, Deeds, McEachin, Petersen, Puckett and Whipple

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-417.1 of the Code of Virginia is amended and reenacted as follows:

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

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

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

C. In determining the residence as defined in § 24.2-101 and domicile and place of abode of a person who is enrolled as a full-time student in a degree or certificate program at an accredited public or private institution of higher education physically located in the Commonwealth, there shall be a presumption that the student who has established physical presence and a place of abode in the Commonwealth shall also have established domicile in the Commonwealth unless the student expressly states otherwise. Once residence is changed, the student may not revert to any previous residence without re-establishing new physical presence and intent to remain or return. This presumption shall not be applicable to any determination of a student's eligibility for in-state tuition made pursuant to § 23-7.4.

INTRODUCED

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