

10100026D

HOUSE BILL NO. 497

Offered January 13, 2010

Prefiled January 12, 2010

A *BILL to amend and reenact § 24.2-418 of the Code of Virginia, relating to elections; voter registration applications; proof of citizenship.*

Patrons—Lingamfelter, Albo, Anderson, Athey, Cole, Cox, J.A., Gilbert, Iaquinto and Rust

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-418 of the Code of Virginia is 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.

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; *proof of citizenship*; 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 contain a statement that whoever votes more than once in any election in the same or different jurisdictions shall be guilty of a Class 6 felony.

For the purposes of this section, "proof of citizenship" shall be provided by any one of the following documents that shall accompany the application:

1. A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the general registrar;

2. A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the general registrar of the applicant's United States passport;

3. A legible photocopy of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be registered until the number of the certificate of naturalization is verified with the United States Citizenship and Immigration Services by the general registrar;

4. Other documents or methods of proof of citizenship that are established pursuant to the Immigration Reform and Control Act of 1986, P.L. 99-603, 100 Stat. 3359; or

5. The applicant's Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.

B. The form shall permit any individual, as follows, or member of his household, 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 voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. 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 5 U.S.C. § 8331(20);

2. 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;

3. 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; and

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

C. The general registrar shall reject any application for registration that is not accompanied by one of the proofs of citizenship enumerated in subsection A.

D. Notwithstanding subsection C, any person who is registered in Virginia on January 1, 2011, shall be deemed to have provided satisfactory proof of citizenship and shall not be required to submit proof of citizenship so long as the person remains registered in Virginia.

E. Proof of a person's voter registration in another state shall not constitute proof of citizenship for

INTRODUCED

HB497

59 *the purposes of this section.*

60 *F. After a person has submitted proof of citizenship, the general registrar shall indicate this*
61 *information on the person's voter registration record. The general registrar shall retain documents*
62 *submitted as proof of citizenship for two years and may then destroy such documents.*

63 **2. That the provisions of this act shall become effective on January 1, 2011.**