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SENATE BILL NO. 309

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact §§ 24.2-418, 24.2-424, and 24.2-428 of the Code of Virginia, relating to retention of copies of voter changes of address.

Patron—Martin

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-418, 24.2-424, and 24.2-428 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.

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 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.

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. A copy of the portion of the application to register listing an applicant's place of last previous registration to vote shall be retained by the general registrar for the city or county where the applicant resides and where he formerly resided.

§ 24.2-424. Change of registered voter's address within the Commonwealth; pilot project.

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

B. If the voter has moved within the same county or city, on receipt of the notification, the general registrar for that county or city shall (i) enter the new address on the registration record; (ii) if satisfied that the registered voter has moved into another precinct within the same county or city, transfer the

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59 registration of the voter to that precinct; and (iii) issue the voter a new voter registration card. This
60 transfer may be entered in the registration records at any time the registration records are not closed
61 pursuant to § 24.2-416.

62 C. Any request for transfer or change of address within the Commonwealth delivered to any registrar
63 shall be forwarded to the general registrar for the city or county in the Commonwealth where the voter
64 now resides, *and a copy of the request shall be forwarded to the general registrar for the city or county*
65 *where the voter formerly resided if the request was delivered to a registrar other than the registrar for*
66 *the city or county where the voter formerly resided.* When forwarding said notice, or upon request from
67 the registrar for the county or city where the voter now resides, the registrar for the county or city
68 where the voter formerly resided shall forward the original application for registration to the registrar for
69 the voter's new locality. *The registrar for the county or city where the voter formerly resided shall*
70 *retain a copy of any request for transfer or change of address.*

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

79 E. If the original registration application is no longer available to the registrar in the city or county
80 where the voter formerly resided, either of the following shall be sent to and accepted by the registrar in
81 the city or county where the voter now resides in lieu of such application: (i) an unsigned voter card (or
82 "conversion card") used as the voter record upon the creation of the statewide voter registration system
83 or (ii) a replacement record provided by the State Board to replace damaged files in the registrar's
84 office. If no other record is available, then the registrar of the voter's former locality shall provide
85 written notification to the registrar of the locality in which the voter now resides that none of the
86 required documents are available. In this instance only, the registrar of the locality in which the voter
87 now resides shall copy the voter's record from the Virginia voter registration system and use that record
88 in lieu of the original voter registration application. Any complete voter registration application on a
89 form previously authorized for use in Virginia shall be valid for the purposes of continuing or
90 transferring a voter's registration within the Commonwealth.

91 § 24.2-428. Regular periodic review of registration records; notice to voters identified as having
92 moved; placement on inactive status for failure to respond to notice.

93 A. The State Board shall establish a voter list maintenance program using the change of address
94 information supplied by the United States Postal Service through its licensees or by other reliable
95 sources to identify voters whose addresses may have changed. Any such program shall be regular and
96 periodic and shall be conducted at least annually. The program shall be completed not later than ninety
97 days prior to the date of a federal primary or federal general election.

98 B. If it appears from information provided by the Postal Service or by other reliable sources that a
99 voter has moved to a different address in the same county or city in which the voter is currently
100 registered, the State Board of Elections shall provide to the general registrar the information necessary to
101 change the registration records to show the new address, and the State Board of Elections or the general
102 registrar shall send to the new address of the voter by forwardable mail, a notice of the change, along
103 with a postage prepaid, pre-addressed return card by which the voter may verify or correct the address
104 information.

105 C. If it appears from information provided by the Postal Service or by other reliable sources that a
106 voter has moved to a different address not in the same county or city, the State Board of Elections or
107 the general registrar shall send to the last known address of the voter by forwardable mail, a notice on a
108 form prescribed by the State Board, along with a postage prepaid and pre-addressed return card on
109 which the voter may state his current address.

110 D. The registered voter shall complete and sign the return card subject to felony penalties for making
111 false statements pursuant to § 24.2-1016.

112 E. The general registrar shall correct his registration records from the information obtained from the
113 return card. If the information indicates that the registered voter has moved to another general registrar's
114 jurisdiction within the Commonwealth, the general registrar shall *retain a copy of the return card and*
115 *shall* transfer the registration record, along with the return card, to the appropriate general registrar who
116 shall treat the request for a change of address as a request for transfer and shall send a voter registration
117 card as confirmation of the transfer to the voter pursuant to § 24.2-424. If the general registrar does not
118 receive the return card provided for in subsection C of this section within ~~thirty~~ 30 days after it is sent
119 to the voter, the registered voter's name shall be placed on inactive status. A registered voter's failure to
120 receive the notice shall not affect the validity of the inactivation.