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SENATE BILL NO. 690

Offered January 22, 2010

A *BILL to amend and reenact §§ 24.2-101, 24.2-416.3, 24.2-416.5, 24.2-416.6, 24.2-418.1, and 24.2-1002 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-1002.2, relating to voter registration drives; penalties.*

Patron—Obenshain

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101, 24.2-416.3, 24.2-416.5, 24.2-416.6, 24.2-418.1, and 24.2-1002 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-1002.2 as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

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59 "Primary" or "primary election" means an election held for the purpose of selecting a candidate to be
60 the nominee of a political party for election to office.

61 "Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and
62 who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or
63 subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers
64 to vote, and (iii) registered to vote. No person who has been convicted of a felony shall be a qualified
65 voter unless his civil rights have been restored by the Governor or other appropriate authority. No
66 person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as
67 provided by law.

68 "Qualified voter in a town" means a person who is a resident within the corporate boundaries of the
69 town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified
70 voter.

71 "Referendum" means any election held pursuant to law to submit a question to the voters for
72 approval or rejection.

73 "Registered voter" means any person who is maintained on the Virginia voter registration system. All
74 registered voters shall be maintained on the Virginia voter registration system with active status unless
75 assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For
76 purposes of applying the precinct size requirements of § 24.2-307, calculating election machine
77 requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election
78 district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306,
79 and determining the number of signatures required for candidate and voter petitions, "registered voter"
80 shall include only persons maintained on the Virginia voter registration system with active status.

81 "Registration records" means all official records concerning the registration of qualified voters and
82 shall include all records, lists, applications, and files, whether maintained in books, on cards, on
83 automated data bases, or by any other legally permitted record-keeping method.

84 "Residence" or "resident," for all purposes of qualification to register and vote, means and requires
85 both domicile and a place of abode. To establish domicile, a person must live in a particular locality
86 with the intention to remain. A place of abode is the physical place where a person dwells.

87 "Special election" means any election that is held pursuant to law to fill a vacancy in office or to
88 hold a referendum.

89 "State Board" or "Board" means the State Board of Elections.

90 "Virginia voter registration system" or "voter registration system" means the automated central
91 record-keeping system for all voters registered within the Commonwealth that is maintained as provided
92 in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

93 *"Voter registration drive" means a coordinated effort by two or more individuals to provide*
94 *assistance to 1,000 or more members of the general public in Virginia in completing and submitting*
95 *voter registration applications, but does not mean an individual's voter registration activities that are*
96 *directed to any family or household member, as that term is defined in § 16.1-228, or members of*
97 *organizations to which the individual also belongs.*

98 § 24.2-416.3. Distribution of mail voter registration application forms.

99 The State Board of Elections shall make available to any individual or group a reasonable number of
100 mail voter registration application forms. *No organizers of a voter registration drive shall receive 1,000*
101 *or more voter registration application forms until the drive has been registered with the State Board*
102 *and the training required by § 24.2-416.6 has been completed.*

103 § 24.2-416.5. Social security number or parts thereof or day and month of birth not to be disclosed.

104 Any person assisting an applicant with the completion or return of a mail voter registration
105 application shall not copy, disclose or make any use of the social security number, or any part thereof,
106 or the day and month of birth, of the applicant except as authorized by law for official use.

107 § 24.2-416.6. Instructions for voter registration drives.

108 *Each voter registration drive shall register with the State Board and be issued an identification*
109 *number. The State Board shall maintain a list of all voter registration drives that have registered with*
110 *the State Board and shall post this list on its website. Each voter registration drive shall fulfill the*
111 *training requirements established by the State Board.*

112 Whenever the State Board, local electoral board, or general registrar's office furnishes individuals or
113 groups multiple copies of the voter registration application, it shall provide accompanying instructions
114 that contain a copy and explanation of § 24.2-1002.01 and the penalty for destruction of, or failure to
115 mail or deliver, voter registration applications that have been signed. Any like instructions furnished to
116 the public by whatever means shall contain a copy and explanation of § 24.2-1002.01 and the penalty
117 for destruction of, or failure to mail or deliver, voter registration applications.

118 § 24.2-418.1. Receipt for voter registration applicants.

119 A. The state form for the application to register to vote shall contain a receipt that shall be given to
120 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 voter registration drive identification number issued pursuant to § 24.2-416.6, if applicable*; the date that the office, group, or person received the registration application from the applicant; and the phone number of the general registrar or the toll-free phone number of the State Board of Elections that the applicant may call to confirm his registration.

B. The requirement to complete the receipt as provided in subsection A shall not be applicable when a completed form is mailed directly to or completed in the office of a general registrar or the State Board of Elections.

§ 24.2-1002. Interference with registration.

A. Any person who, by threats or force, interferes with or attempts to interfere with (i) any registrar in the discharge of his duty, (ii) any person applying to register or declining to apply to register, or (iii) any person going to or leaving a registration location as defined in Article 3 (§ 24.2-411 et seq.) of Chapter 4 of this title or a polling place, or (iv) any person going to or leaving any other location at which persons offer mail applications under Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 of this title ~~shall be~~ is guilty of a Class 1 misdemeanor.

B. Any person who by bribery or force attempts to influence any person to register to vote is guilty of a Class 1 misdemeanor.

§ 24.2-1002.2. Payment or receipt of compensation for circulating petitions or registering voters; penalty.

Any person who, upon a fee-per-signature basis or upon a basis related to the number of signatures obtained, pays or offers to pay compensation to another person, or receives or agrees to receive compensation from another person for (i) circulating any petition required by this title that is filed with or transmitted to the State Board or other appropriate public office, or (ii) assisting any individual in completing or submitting a voter registration application or absentee voter application is guilty of a Class 1 misdemeanor.