

12103098D

HOUSE BILL NO. 569

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact §§ 24.2-418 and 24.2-643 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-623.1, relating to elections; identification required to register to vote and to vote at the polls.

Patrons—Marshall, D.W. and Albo

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-418 and 24.2-643 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-623.1 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, *accompanied by 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:

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 U.S. 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.*

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

Any person who is registered in the Commonwealth on July 1, 2012, 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 the Commonwealth. Such privilege shall not be construed to affirm, deny, change, alter, or otherwise modify any determination of law as to whether a person is lawfully registered to vote in the Commonwealth. Proof of a person's voter registration in another state shall not constitute proof of citizenship for the purposes of this section. After a person has submitted proof of citizenship, the general registrar shall indicate this information on the person's voter registration record. The general registrar shall retain documents submitted as proof of citizenship for at least one year and may then destroy such documents.

A voter registration card shall not be deemed proof of citizenship for purposes other than voter registration.

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, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to

INTRODUCED

HB569

59 § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the
60 post office box address provided under this subsection.

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

63 2. Any party granted a protective order issued by or under the authority of any court of competent
64 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

65 3. Any party who has furnished a signed written statement by the party that he is in fear for his
66 personal safety from another person who has threatened or stalked him, accompanied by evidence that
67 he has filed a complaint with a magistrate or law-enforcement official against such other person; and

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

69 C. If the applicant formerly resided in another state, the portion of the application to register listing
70 an applicant's place of last previous registration to vote, or a copy thereof, shall be retained by the
71 general registrar for the city or county where the applicant resides, and the general registrar shall send
72 the original or a copy to the appropriate voter registration official or other authority of another state
73 where the applicant formerly resided.

74 § 24.2-623.1. *Notice of voting qualifications to be posted at polling places.*

75 *The governing body of each county and city shall provide notice of the constitutional qualifications*
76 *to vote and the penalties for voting in violation of the constitutional requirements in all polling places*
77 *for all elections. These notices shall be printed with the heading "ILLEGAL VOTING" in two-inch type*
78 *with the following text in at least 24-point type:*

79 *"In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a*
80 *citizen of the United States, shall be 18 years of age, shall fulfill the residence requirements set forth in*
81 *this section, and shall be registered to vote pursuant to this article. No person who has been convicted*
82 *of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other*
83 *appropriate authority. As prescribed by law, no person adjudicated to be mentally incompetent shall be*
84 *qualified to vote until his competency has been reestablished. Article II, Section 1, Constitution of*
85 *Virginia."*

86 *"Under §§ 18.2-11 and 24.2-1004 of the Code of Virginia, it is a Class 1 misdemeanor to vote*
87 *knowing that you are not qualified to vote, punishable by confinement in jail for not more than 12*
88 *months and a fine of not more than \$2,500, either or both."*

89 *The governing body shall provide for the notices to be posted in at least the two most commonly*
90 *spoken languages in the locality and may provide for notices in additional languages. The determination*
91 *of the governing body as to the languages in which to post the notices shall be determinative and not*
92 *subject to review.*

93 § 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

94 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers
95 of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the
96 voting booth and furnishing an official ballot to him.

97 B. An officer of election shall ask the voter for his full name and current residence address and
98 repeat, in a voice audible to party and candidate representatives present, the full name and address stated
99 by the voter. The officer shall ask the voter to present ~~any one of the following forms of identification:~~
100 ~~his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's~~
101 ~~license, or any other identification card issued by a government agency of the Commonwealth, one of its~~
102 ~~political subdivisions, or the United States; or any valid employee identification card containing a~~
103 ~~photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's~~
104 ~~business proof of identification. "Proof of identification" means a document that satisfies all of the~~
105 ~~following:~~

106 1. ~~The document shows the name of the individual to whom the document was issued, and the name~~
107 ~~conforms to the name in the individual's voter registration record.~~

108 2. ~~The document shows a photograph of the individual to whom the document was issued.~~

109 3. ~~The document includes an expiration date, and the document:~~

110 a. ~~Is not expired; or~~

111 b. ~~Expired after the date of the most recent general election.~~

112 4. ~~The document was issued by the United States or the Commonwealth.~~

113 If the voter's name is found on the pollbook, if he presents ~~one of the forms proof of identification~~
114 ~~listed above~~, if he is qualified to vote in the election, and if no objection is made, an officer shall enter,
115 opposite the voter's name on the pollbook, the first or next consecutive number from the voter count
116 form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic
117 form; an officer shall provide the voter with the official ballot; and another officer shall admit him to
118 the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and
119 entitled to a ballot shall remain in the presence of the officers of election in the polling place until he
120 has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await

entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

Except as provided in subsection E ~~of this section~~, if a voter is entitled to vote except that he is unable to present ~~one of the forms~~ *proof* of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to ~~§ 24.2-1016~~, that he is the named registered voter who he claims to be offered a provisional ballot under the provisions of § 24.2-653. *The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.*

A voter who requires assistance in voting by reason of physical disability or inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.) ~~of this title~~.

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

E. For federal elections held after January 1, 2004, this subsection shall apply in the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state. At such election, such voter shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B ~~of this section~~, nor the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. ~~The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.~~

2. That the provisions of this act shall become effective on January 1, 2013.