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HOUSE BILL NO. 895

Offered January 11, 2012

Prefiled January 11, 2012

A BILL to amend and reenact §§ 24.2-411.1, 24.2-411.2, 24.2-416.2, and 24.2-418 of the Code of Virginia, relating to voter registration; required documentation.

Patrons—Albo, Hugo, Bell, Robert B., Cole, Crockett-Stark, Helsel, Hodges, Massie, Minchew, Morris, Pogge, Poindexter, Ramadan and Webert

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-411.1, 24.2-411.2, 24.2-416.2, and 24.2-418 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-411.1. Offices of the Department of Motor Vehicles.

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department to:

1. Apply for, replace, or renew a driver's license;
2. Apply for, replace, or renew a special identification card; or
3. Change an address on an existing driver's license or special identification card.

B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. The notification and the registered voter's registration record shall be transmitted as directed by the State Board of Elections to the appropriate general registrar who shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-424.

C. The completed voter registration portion of the application shall be transmitted as directed by the State Board not later than five business days after the date of receipt.

D. The State Board of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number, or any part thereof, of any applicant for voter registration.

F. Notwithstanding the ability to register to vote through the Department of Motor Vehicles, the registration will not be complete until the State Board of Elections has obtained proof of United States citizenship, proof of residency in the precinct, and proof that the voter has been identified with a government-issued photo identification as required by § 24.2-418.

§ 24.2-411.2. State-designated voter registration agencies.

A. The following agencies are designated as voter registration agencies in compliance with the National Voter Registration Act (42 U.S.C. § 1973gg et seq.) and shall provide voter registration opportunities at their state, regional, or local offices, depending upon the point of service:

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58 1. Agencies whose primary function is to provide public assistance, including agencies that provide
59 benefits under the Temporary Assistance for Needy Families program; Special Supplemental Food
60 Program for Women, Infants, and Children; Medicaid program; or Food Stamps program;

61 2. Agencies whose primary function is to provide state-funded programs primarily engaged in
62 providing services to persons with disabilities;

63 3. Armed Forces recruitment offices; and

64 4. The regional offices of the Department of Game and Inland Fisheries and the offices of the
65 Virginia Employment Commission in the Northern Virginia Planning District 8.

66 B. The Secretary of the State Board of Elections, with the assistance of the Office of the Attorney
67 General, shall compile and maintain a list of the specific agencies covered by subdivisions A 1 and A 2
68 that, in the legal opinion of the Attorney General, must be designated to meet the requirements of the
69 National Voter Registration Act. The Secretary of the State Board of Elections shall notify each agency
70 of its designation and thereafter notify any agency added to or deleted from the list.

71 C. At each voter registration agency, the following services shall be made available on the premises
72 of the agency:

73 1. Distribution of mail voter registration forms provided by the State Board of Elections;

74 2. Assistance to applicants in completing voter registration application forms, unless the applicant
75 refuses assistance; and

76 3. Receipt of completed voter registration application forms.

77 D. A voter registration agency, which provides service or assistance in conducting voter registration,
78 shall make the following services available on the premises of the agency:

79 1. Distribution with each application for its service or assistance, or upon admission to a facility or
80 program, and with each recertification, readmission, renewal, or change of address form, of a voter
81 registration application prescribed by the State Board of Elections that complies with the requirements of
82 the National Voter Registration Act (42 U.S.C. § 1973gg et seq.).

83 2. Provision, as part of the voter registration process, of a form that includes:

84 a. The question: "If you are not registered to vote where you live now, would you like to apply to
85 register to vote here today?"

86 b. If the agency provides public assistance, the statement: "Applying to register or declining to
87 register to vote will not affect the amount of assistance that you will be provided by this agency."

88 c. Boxes for the applicant to check to indicate whether the applicant would like to register, declines
89 to register to vote, or is already registered (failure to check any box being deemed to constitute a
90 declination to register for purposes of subdivision 2 a), together with the statement (in close proximity
91 to the boxes and in prominent type): "IF YOU DO NOT CHECK ANY BOX, YOU WILL BE
92 CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

93 d. The statement: "If you would like help in filling out the voter registration application form, we
94 will help you. The decision whether to seek help or accept help is yours. You may fill out the
95 application form in private."

96 e. The statement: "If you believe that someone has interfered with your right to register or to decline
97 to register to vote, or your right to privacy in deciding whether to register or in applying to register to
98 vote, you may file a complaint with the State Board of Elections." The statement shall include the
99 address and telephone number of the State Board.

100 f. The following statement accompanying the form which features prominently in boldface capital
101 letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS
102 FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER
103 VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN
104 PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

105 3. Provision to each applicant who does not decline to register to vote of the same degree of
106 assistance with regard to the completion of the voter registration application as is provided by the office
107 with regard to the completion of its own applications, unless the applicant refuses assistance.

108 E. If a voter registration agency designated under subsection A of this section provides services to a
109 person with a disability at the person's home, the agency shall provide the voter registration services as
110 provided for in this section.

111 F. A person who provides services at a designated voter registration agency shall not:

112 1. Seek to influence an applicant's political preference;

113 2. Display any material indicating the person's political preference or party allegiance;

114 3. Make any statement to an applicant or take any action the purpose or effect of which is to lead
115 the applicant to believe that a decision to register or not to register has any bearing on the availability of
116 services or benefits; or

117 4. Disclose, except as authorized by law for official use, the social security number, or any part
118 thereof, of any applicant for voter registration.

119 Any person who is aggrieved by a violation of this subsection may provide written notice of the

violation to the State Board of Elections. The Board shall be authorized to cooperate with the agency to resolve the alleged violation. Nothing contained in this subsection shall prohibit an aggrieved person from filing a complaint in accordance with § 24.2-1019 against a person who commits any election law offense enumerated in §§ 24.2-1000 through 24.2-1016.

G. A completed voter registration application shall be transmitted as directed by the State Board of Elections not later than five business days after the date of receipt.

H. Each state-designated voter registration agency shall maintain such statistical records on the number of applications to register to vote as requested by the State Board of Elections.

I. Notwithstanding the ability to register to vote through a state agency pursuant to this section, the registration will not be complete until the State Board of Elections has obtained proof of United States citizenship, proof of residency in the precinct, and proof that the voter has been identified with a government-issued photo identification as required by § 24.2-418.

§ 24.2-416.2. Mail voter registration application forms.

Notwithstanding the provisions of §§ 24.2-418 and 24.2-418.1, the national mail voter registration application form promulgated by the Federal Election Commission pursuant to the National Voter Registration Act (42 U.S.C. § 1973gg et seq.) shall be accepted for the registration of otherwise qualified voters to vote in federal, state, and local elections. *For the purposes of using the national form promulgated by the Federal Election Commission, an otherwise qualified voter will be a person who provides proof of United States citizenship and residency in the precinct in Virginia and can be identified with a government-issued photo identification.*

In addition to the national form promulgated by the Federal Election Commission, the State Board of Elections shall design and distribute a state mail voter registration application form. Such state form shall include the eligibility requirements for registration as provided in this title, shall provide for a receipt for the applicant pursuant to § 24.2-418.1, and shall require each applicant to provide the information required subject to felony penalties for making false statements pursuant to § 24.2-1016.

Each state form shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

§ 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, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. 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. If the applicant formerly resided in another state, the portion of the application to register listing an applicant's place of last previous registration to vote, or a copy thereof, shall be retained by the general registrar for the city or county where the applicant resides, and the general registrar shall send the original or a copy to the appropriate voter registration official or other authority of another state

181 where the applicant formerly resided *requesting confirmation that the registration was canceled in the*
182 *other state.*

183 *D. The general registrar shall accept any completed application for registration but an applicant*
184 *shall not be registered until the applicant has provided satisfactory evidence of United States citizenship*
185 *as listed in subsection E; satisfactory evidence of residency in the precinct in Virginia as listed in*
186 *subsection F; and an unexpired photo identification card as explained in subsection G. If registering*
187 *in-person, these items shall be presented at the time of registration. If using mail-in registration,*
188 *photocopies of these items shall be included with the application.*

189 *E. Evidence of United States citizenship can be satisfied by presenting one of the following*
190 *documents listed in subdivisions 1 through 10:*

191 *1. The applicant's driver's license or special identification card issued by the Department of Motor*
192 *Vehicles or the equivalent governmental agency of another state in the United States if the agency*
193 *indicates on the applicant's driver's license or special identification card that the person has provided*
194 *satisfactory proof of United States citizenship;*

195 *2. The applicant's birth certificate that verifies United States citizenship to the satisfaction of the*
196 *general registrar;*

197 *3. Pertinent pages of the applicant's United States valid or expired passport identifying the applicant*
198 *and the applicant's passport number;*

199 *4. The applicant's United States naturalization documents;*

200 *5. Other documents or methods of proof of United States citizenship issued by the federal*
201 *government pursuant to the Immigration and Nationality Act of 1952 (P.L. 82-414);*

202 *6. The applicant's consular report of birth abroad of a citizen of the United States.*

203 *7 The applicant's final adoption decree showing the applicant's name and United States birthplace;*

204 *8. The applicant's official United States military record of service showing the applicant's place of*
205 *birth in the United States;*

206 *9. An extract from a United States hospital record of birth created at the time of the applicant's birth*
207 *indicating the applicant's place of birth in the United States; or*

208 *10. The applicant's American Indian card issued by the United States Department of Homeland*
209 *Security.*

210 *F. Evidence of residency in the precinct may be satisfied by presenting a copy of a current utility*
211 *bill, bank statement, government check, paycheck, or other government document that shows the name*
212 *and address of the voter.*

213 *G. Photo identification cards are restricted to documents issued by the Commonwealth, any of its*
214 *subdivisions, or the United States. Valid driver's licenses from other states containing a photo are*
215 *acceptable. Private employer photo identification cards will not meet this requirement.*

216 *H. Any person who is registered in Virginia on July 1, 2012, shall not be required to submit*
217 *evidence of citizenship pursuant to this section.*

218 *I. For the purposes of this section, proof of voter registration from another state is not satisfactory*
219 *evidence of United States citizenship.*