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HOUSE BILL NO. 1788

Offered January 9, 2013

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A BILL to amend and reenact §§ 24.2-418, 24.2-643, 24.2-653, 24.2-701, 32.1-252, and 32.1-273 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-643.1 and by adding in Article 7 of Chapter 3 of Title 46.2 a section numbered 46.2-345.1, relating to elections; identification required to register to vote and to vote at the polls.

Patrons—Bell, Robert B. and Cox, J.A.

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-418, 24.2-643, 24.2-653, 24.2-701, 32.1-252, and 32.1-273 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-643.1 and by adding in Article 7 of Chapter 3 of Title 46.2 a section numbered 46.2-345.1 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 document that is accepted as proving legal presence and that would also prove citizenship under the provisions of § 46.2-328.1. Subject to the provisions of subsections A1 and A2, the general registrar shall reject any application for registration that is not accompanied by one of the proofs of citizenship enumerated in § 46.2-328.1.*

A1. *If an application is accompanied by a signed statement that the applicant (i) was born in the Commonwealth, (ii) does not possess a document that constitutes proof of citizenship, and (iii) is unable to otherwise afford such a document, the general registrar shall contact the State Registrar of Vital Records to verify the existence of and information contained in the applicant's birth certificate. If the State Registrar verifies the existence of a birth certificate that confirms the information provided by the applicant, the general registrar shall accept the application and shall register such applicant to vote provided the other requirements of this section are met. If the State Registrar cannot verify the existence of a birth certificate that confirms the information provided by the applicant, the general registrar shall contact the applicant and notify him that he will not be registered to vote. The State Registrar shall respond to a request by the general registrar under this section within seven business days of receiving the request.*

A2. *If an applicant who was born in a state other than the Commonwealth (a) does not possess a document that constitutes proof of citizenship and (b) is unable to otherwise afford such a document, the applicant may request the general registrar's assistance in obtaining a certified copy of his birth certificate, upon affirming by signing a statement that he meets the requirements of clauses (a) and (b), from the appropriate agency that maintains vital records in that state using the list and fee schedule furnished by the State Registrar pursuant to subdivision A 13 of § 32.1-252. If the applicant requests the general registrar's assistance, the general registrar shall pay the costs associated with obtaining a certified copy of the applicant's birth certificate from the other state, provided that the applicant completes and submits his request for a certified copy of his birth certificate with the appropriate agency in the other state in the presence of the general registrar or his agent. Upon receipt of a certified copy of the applicant's birth certificate from the other state, the general registrar shall register such applicant to vote provided the other requirements of this section are met.*

A3. *Any person who is registered to vote in the Commonwealth on July 1, 2014, shall be deemed to have provided satisfactory proof of citizenship and shall not be required to submit proof of citizenship*

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

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

68 B. The form shall permit any individual, as follows, or member of his household, to furnish, in
69 addition to his residence street address, a post office box address located within the Commonwealth to
70 be included in lieu of his street address on the lists of registered voters and persons who voted, which
71 are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for
72 public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to
73 § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the
74 post office box address provided under this subsection.

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

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

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

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

83 5. Any active or retired federal or Virginia justice or judge and any active or retired attorney
84 employed by the United States Attorney General or Virginia Attorney General.

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

90 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

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

94 B. An officer of election shall ask the voter for his full name and current residence address and
95 repeat, in a voice audible to party and candidate representatives present, the full name and address stated
96 by the voter. The officer shall ask the voter to present ~~any one of the following forms of identification:~~
97 ~~his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's~~
98 ~~license, his concealed handgun permit issued pursuant to § 18.2-308, or any other identification card~~
99 ~~issued by a government agency of the Commonwealth, one of its political subdivisions, or the United~~
100 ~~States; any valid student identification card issued by any institution of higher education located in the~~
101 ~~Commonwealth of Virginia; any valid employee identification card containing a photograph of the voter~~
102 ~~and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a~~
103 ~~current utility bill, bank statement, government check, or paycheck that shows the name and address of~~
104 ~~the voter~~ *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 the individual's date of birth.*

110 4. *The document includes an expiration date, and the document:*

111 *a. Is not expired; or*

112 *b. Expired after the date of the most recent general election.*

113 5. *The document was issued by the United States or the Commonwealth.*

114 Any voter who does not show ~~one of the forms~~ *proof of identification as specified in this subsection*
115 *shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections*
116 *shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar*
117 *or electoral board other than matching submitted identification documents from the voter for the*
118 *electoral board to make a determination on whether to count the ballot.*

119 If the voter's name is found on the pollbook, if he presents ~~one of the forms~~ *proof of identification*
120 *as listed above, if he is qualified to vote in the election, and if no objection is made, an officer shall*

enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he 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.

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.).

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 subsection shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B, 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.

§ 24.2-643.1. Implementation of photo identification requirements.

A. *The State Board of Elections shall develop an educational program for distribution by various media and means throughout the Commonwealth to inform voters of the photo identification requirements of the law. A voter may obtain a special identification card, free of charge, from the Department of Motor Vehicles in accordance with § 46.2-345.1.*

§ 24.2-653. Voter whose name does not appear on pollbook or who is marked as having voted; handling of provisional ballots; ballots cast after normal close of polls due to court order extending polling hours.

A. When a person offers to vote pursuant to § 24.2-652 and the general registrar is not available or cannot state that the person is registered to vote, then such person shall be allowed to vote by paper ballot in the manner provided in this section. This procedure shall also apply when required by § 24.2-643 or 24.2-651.1.

Such person shall be given a paper ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the State Board, the identifying information required on the envelope, including his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present ~~one of the forms~~ *proof* of identification as specified in subsection B of § 24.2-643. The officers of election shall note on the green envelope whether or not the voter has presented ~~one of the specified forms~~ *proof* of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as having voted. The officers of election shall provide an application for registration to the person offering to vote in the manner provided in this section.

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then be placed in the ballot container by an officer of election.

An officer of election, by a written notice given to the voter, shall (i) inform him that a

determination of his right to vote shall be made by the electoral board, (ii) advise the voter of the beginning time and place for the board's meeting and of the voter's right to be present at that meeting, and (iii) inform a voter voting provisionally when required by § 24.2-643 that he may submit a copy of ~~one of the forms~~ *proof* of identification *as* specified in subsection B of § 24.2-643 to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election. At the meeting, the voter may request an extension of the determination of the provisional vote to the following day in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions which it deems reasonable to determine the status of a provisional vote.

B. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All provisional votes envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

The electoral board shall meet on the day following the election and determine whether each person having submitted such a provisional vote was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension to the following day as provided in subsection A, the meeting shall stand adjourned from day to day, not to exceed seven calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election shall be permitted to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided ~~one of the forms~~ *proof* of identification *as* specified in subsection B of § 24.2-643, the envelope containing his ballot shall not be opened and his vote shall not be counted. The provisional vote shall be counted if (a) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (b) the State Board or the voter presents proof that indicates the voter submitted an application for registration to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection A. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot placed in a ballot container without any inspection further than that provided for in § 24.2-646.

On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote.

The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the

polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section.

§ 24.2-701. Application for absentee ballot.

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all general elections, except May general elections held in towns, and on the Saturday immediately preceding any primary election, May general election held in a town, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar or a member of the electoral board. The applicant shall provide ~~one of the forms~~ *proof* of identification *as* specified in subsection B of § 24.2-643. Any applicant who does not show ~~one of the forms~~ *proof* of identification *as* specified in subsection B of § 24.2-643 shall 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.

For federal elections held after January 1, 2004, this paragraph 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 that voter votes in a federal election in the state. After completing an application for an absentee ballot in person, 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 subdivision shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B of § 24.2-643, 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. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 42 U.S.C. § 1973ff(b)(2). The federal postcard application may be accepted the

305 later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month
306 prior to the election in which the applicant is applying to vote. The application shall be made to the
307 appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the
308 applicant offers to vote.

309 C. Applications for absentee ballots shall contain the following information:

310 1. The applicant's printed name, the last four digits of the applicant's social security number, and the
311 reason the applicant will be absent or cannot vote at his polling place on the day of the election;

312 2. A statement that he is registered in the county or city in which he offers to vote and his residence
313 address in such county or city. Any person temporarily residing outside the United States shall provide
314 the last date of residency at his Virginia residence address, if that residence is no longer available to
315 him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter
316 may file the applications to register and for a ballot simultaneously;

317 3. The complete address to which the ballot is to be sent directly to the applicant, unless the
318 application is made in person at a time when the printed ballots for the election are available and the
319 applicant chooses to vote in person at the time of completing his application. The address given shall be
320 (i) the address of the applicant on file in the registration records; (ii) the address at which he will be
321 located while absent from his county or city; or (iii) the address at which he will be located while
322 temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other
323 person; and

324 4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a
325 member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the
326 spouse belongs, and his or the spouse's rank, grade, or rate, and service identification number; or

327 5. In the case of a student, or the spouse of a student, who is attending a school or institution of
328 learning, the name and address of the school or institution of learning; or

329 6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable
330 to go in person to the polls on the day of the election because of his disability, illness, or pregnancy,
331 the nature of the disability, illness, or pregnancy; or

332 7. In the case of a person who is confined awaiting trial or for having been convicted of a
333 misdemeanor, the name and address of the institution of confinement; or

334 8. In the case of a person who will be absent on election day for business reasons, the name of his
335 employer or business; or

336 9. In the case of a person who will be absent on election day for personal business or vacation
337 reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

338 10. In the case of a person who is unable to go to the polls on the day of election because he is
339 primarily and personally responsible for the care of an ill or disabled family member who is confined at
340 home, the name of the family member and the nature of his illness or disability; or

341 11. In the case of a person who is unable to go to the polls on the day of election because of an
342 obligation occasioned by his religion, his religion and the nature of the obligation; or

343 12. In the case of a person who, in the regular and orderly course of his business, profession, or
344 occupation, will be at his place of work and commuting to and from his home to his place of work for
345 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his
346 business or employer, address of his place of work, and hours he will be at the workplace and
347 commuting on election day; or

348 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
349 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
350 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first
351 responder; or

352 14. In the case of a person who has been designated by a political party, independent candidate, or
353 candidate in a primary election to be a representative of the party or candidate inside a polling place on
354 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so
355 designated and the name of the party chairman or candidate who designated him.

356 **§ 32.1-252. State Registrar; duties.**

357 A. The State Registrar, under the supervision of the Commissioner, shall:

358 1. Administer the provisions of this chapter and the regulations of the Board in a manner that will
359 ensure the uniform and efficient administration of the system of vital records.

360 2. Direct and supervise the system of vital records and be custodian of its records.

361 3. Direct, supervise, and control the activities of all persons when pertaining to the operation of the
362 system of vital records.

363 4., 5. [Repealed.]

364 6. Conduct training programs to promote uniformity of policy and procedures throughout the
365 Commonwealth in matters pertaining to the system of vital records.

366 7. Inspect vital records which have been sealed as provided by law whenever such inspection will

facilitate the administration of this chapter without violating the confidentiality of such records.

8. Perform such other duties as may be required by law.

9. Develop, furnish, and distribute, in accordance with the regulations of the Board, forms as required by this chapter and such other means for transmission of data as may be necessary for the purpose of complete and accurate reporting and registration.

10. Develop and provide a means for obtaining a social security number in conjunction with the issuance of a birth certificate.

11. Develop, furnish, and distribute a surrogate consent and report form as described in § 20-162.

12. *Verify the existence of and information contained in a birth certificate in response to a request by a general registrar made pursuant to § 24.2-418 or the Department of Motor Vehicles made pursuant to § 46.2-345.1.*

13. *Develop, furnish, and distribute to the State Board of Elections, the general registrars, and the Department of Motor Vehicles a list of and contact information for similar agencies in other states that maintain vital records and a schedule of the fees charged by such agencies for a certified copy of a birth certificate. The State Registrar shall update this schedule on an annual basis.*

B. The State Registrar may delegate functions and duties vested in him to designated assistants and to county, city and special registrars as he deems necessary or expedient.

§ 32.1-273. Fees for certified copies, searches of files, etc.; disposition.

A. The Board shall prescribe the fee, not to exceed ~~eight dollars~~ \$8, for a certified copy of a vital record or for a search of the files or records when no copy is made and may establish a reasonable fee schedule related to its cost for information or other data provided for research, statistical or administrative purposes. Whenever any veteran or his survivor requires a certified copy of a vital record to obtain service-connected benefits, one copy of such record shall be provided directly to the U.S. Department of Veterans Affairs upon their request and one copy shall be provided to the veteran or his surviving spouse, upon request. No charge shall be imposed upon a veteran or his survivor for a copy related to obtaining service-connected benefits. *Whenever any person requires a certified copy of a birth certificate in order to (i) provide proof of citizenship required under subsection A of § 24.2-418 in order to register to vote or (ii) obtain from the Department of Motor Vehicles a photo identification pursuant to § 46.2-345.1, one copy of such certificate shall be provided to the person upon request (a) if the person does not have a certified copy of his birth certificate, (b) if the person is unable to otherwise afford a certified copy of his birth certificate, and (c) if the request is made for the purpose of obtaining a photo identification, if the person does not have a form of photo identification required under subsection B of § 24.2-643. No charge shall be imposed upon the person for a copy related to obtaining such identification, provided that the person shall affirm by signing a statement, subject to the penalties for making false statements pursuant to § 24.2-1016, that he meets the requirements of clauses (a), (b), and, if applicable, (c).*

B. Fees collected under this section by the State Registrar shall be transmitted to the Comptroller for deposit. Four dollars of each fee collected by the State Registrar shall be deposited by the Comptroller into the Vital Statistics Automation Fund established pursuant to § 32.1-273.1 for so long as shall be authorized. Four dollars of each fee shall be credited to a special fund to be appropriated by the General Assembly, as it deems necessary, for the purpose of carrying out the provisions of this chapter. When the Vital Statistics Automation System is completed, no further deposits into the fund shall be made and all fees collected under this section not credited to the special fund created by this subsection shall be deposited into the general fund of the state treasury.

C. Fees collected under this section by county and city registrars shall be deposited in the general fund of the county or city except that counties or cities operating health departments pursuant to the provisions of § 32.1-31 shall forward all such fees to the Department for deposit in the cooperative local health services fund.

D. Fees assessed against local departments of social services for furnished copies of vital records as needed to administer public assistance and social services programs, as defined in § 63.2-100, shall be payable on a quarterly basis.

§ 46.2-345.1. Issuance of free special identification cards to certain voters.

A. *Provided a person otherwise meets the requirements to be issued a special identification card pursuant to § 46.2-345, the Department shall issue a special identification card free of charge to such person who (i) does not have a form of photo identification required under subsection B of § 24.2-643 and (ii) is unable to otherwise afford a special identification card issued by the Department. In order to be issued a free special identification card, the person shall affirm by signing a statement, subject to the penalties for making false statements pursuant to § 24.2-1016, that he meets the requirements of clauses (i) and (ii).*

B. *If a person requesting a free special identification card pursuant to subsection A does not possess a certified copy of his birth certificate and was born in the Commonwealth, the Department shall*

428 *contact the State Registrar of Vital Records to verify the existence of and information contained in the*
429 *person's birth certificate. If the State Registrar verifies the existence of a birth certificate that confirms*
430 *the information provided by the person requesting the special identification card, the Department shall*
431 *issue a special identification card provided all other requirements of § 46.2-345 are met. If the State*
432 *Registrar cannot verify the existence of a birth certificate that confirms the information provided by the*
433 *person requesting the special identification card, the Department shall contact the person who applied*
434 *for the card and notify him that a card will not be issued. The State Registrar shall respond to a*
435 *request by the Department under this section within seven business days of receiving the request.*

436 *C. If a person requesting a free special identification card pursuant to subsection A does not possess*
437 *a certified copy of his birth certificate and was born in a state other than the Commonwealth, the*
438 *person may request the Department's assistance in obtaining a certified copy of his birth certificate from*
439 *the appropriate agency that maintains vital records in that state using the list and fee schedule*
440 *furnished by the State Registrar pursuant to subdivision A 13 of § 32.1-252. If the person requests the*
441 *Department's assistance, the Department shall pay the costs associated with obtaining a certified copy of*
442 *the person's birth certificate from the other state, provided that the person completes and submits his*
443 *request for a certified copy of his birth certificate with the appropriate agency in the other state in the*
444 *presence of an agent of the Department. Upon receipt of a certified copy of the person's birth certificate*
445 *from the other state, the Department shall issue a special identification card provided all requirements*
446 *of § 46.2-345 are met.*

447 **2. That the provisions of this act shall become effective on July 1, 2014.**

448 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
449 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
450 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
451 **3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing**
452 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated**
453 **amount of the necessary appropriation cannot be determined for periods of commitment to the**
454 **custody of the Department of Juvenile Justice.**