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SENATE BILL NO. 1256

Offered January 10, 2013

A *BILL to amend and reenact §§ 24.2-404, 24.2-411.1, and 24.2-643 of the Code of Virginia, relating to voter identification requirements; photo ID.*

Patrons—Obenshain and Ruff

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-411.1, and 24.2-643 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404. Duties of State Board.

A. The State Board shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia Voter Registration System, for all voters registered in the Commonwealth.

In order to operate and maintain the system, the Board shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.

3. Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places *and voter registration cards containing the voter's photograph and signature for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643.*

4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Board. The Board shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.

5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.

6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The State Board shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the State Board shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the State Board shall provide a regional or statewide list of registered voters to the general registrar of the locality. The State Board shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.

8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.

9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The State Board may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.

10. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the State Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

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59 B. The State Board shall be authorized to provide for the production, distribution, and receipt of
60 information and lists through the Virginia Voter Registration System by any appropriate means
61 including, but not limited to, paper and electronic means.

62 C. The State Board shall institute procedures to ensure that each requirement of this section is
63 fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail
64 notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is
65 cancelled.

66 D. The State Board shall promulgate rules and regulations to ensure the uniform application of the
67 law for determining a person's residence.

68 **§ 24.2-411.1. Offices of the Department of Motor Vehicles.**

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

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

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

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

87 Any completed application for voter registration submitted by a person who is already registered
88 shall serve as a written request to update his registration record. Any change of address form submitted
89 for purposes of a motor vehicle driver's license or special identification card shall serve as notification
90 of change of address for voter registration for the registrant involved unless the registrant states on the
91 form that the change of address is not for voter registration purposes. If the information from the
92 notification of change of address for voter registration indicates that the registered voter has moved to
93 another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a
94 request for transfer from the registered voter. The notification and the registered voter's registration
95 record shall be transmitted as directed by the State Board of Elections to the appropriate general
96 registrar who shall send a voter registration card as confirmation of the transfer to the voter pursuant to
97 § 24.2-424. The Department and State Board shall cooperate in the prompt transmittal by electronic or
98 other means of the notification to the appropriate general registrar.

99 C. The completed voter registration portion of the application shall be transmitted as directed by the
100 State Board not later than five business days after the date of receipt. The Department and State Board
101 shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of
102 the application to the appropriate general registrar.

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

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

108 F. *The Department of Motor Vehicles shall assist the State Board in providing voter registration*
109 *cards containing the voter's photograph and signature as provided in subdivision A 3 of § 24.2-404.*

110 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

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

114 B. An officer of election shall ask the voter for his full name and current residence address and
115 repeat, in a voice audible to party and candidate representatives present, the full name and address stated
116 by the voter. The officer shall ask the voter to present any one of the following forms of identification:
117 ~~his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's~~
118 ~~license, his concealed handgun permit issued pursuant to §— 18.2-308 valid United States passport, or~~
119 ~~any other photo identification card issued by a government agency of the Commonwealth, one of its~~
120 ~~political subdivisions, or the United States; any valid student identification card containing a photograph~~

of the voter and issued by any institution of higher education located in the Commonwealth of Virginia; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter.

Any voter 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. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter's name is found on the pollbook, if he presents one of the forms of identification 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.