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## HOUSE BILL NO. 2056

Offered January 14, 2015

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A *BILL to amend and reenact §§ 24.2-405, 24.2-406, 24.2-407.1, 24.2-653, and 58.1-609.1 of the Code of Virginia, and to repeal § 24.2-407 of the Code of Virginia, relating to lists of registered voters and persons who voted in certain elections.*

Patrons—Sickles, Futrell, Kory, McQuinn, Simon and Surovell

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-405, 24.2-406, 24.2-407.1, 24.2-653, and 58.1-609.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-405. Lists of registered voters.**

A. The State Board *Department of Elections* shall *furnish provide*, at a reasonable price, lists of registered voters for their districts to (i) courts of the Commonwealth and the United States for jury selection purposes; (ii) candidates for election or political party nomination to further their candidacy; (iii) political party committees or officials thereof for political purposes only; (iv) political action committees that have filed a current statement of organization with the State Board pursuant to § 24.2-949.2, or with the Federal Elections Commission pursuant to federal law, for political purposes only; (v) incumbent officeholders to report to their constituents; (vi) nonprofit organizations that promote voter participation and registration for that purpose only; and (vii) commissioners of the revenue, as defined in § 58.1-3100, and treasurers, as defined in § 58.1-3123, for tax assessment, collection, and enforcement purposes *persons requesting such lists for political and governmental purposes*. The lists shall be furnished to no one else and used for no other purpose. However, the State Board is authorized to furnish information from the voter registration system to general registrars for their official use and to the Department of Motor Vehicles and other appropriate state agencies for maintenance of the voter registration system; and to the Chief Election Officers of other states for maintenance of voter registration systems. *Permissible political and governmental purposes shall include providing address information to the United States Bureau of the Census or to the Clerks of the Senate and the House of Delegates for maintenance of a database of constituent addresses. For the purposes of this section, the Department of Elections shall include as a factor in determining a reasonable price the costs of the equipment and technology required to operate the systems used to produce the lists.*

B. The State Board shall furnish, at a reasonable price, lists of the addresses of registered voters for their localities to local government census liaisons and their staffs for the sole purpose of providing address information to the United States Bureau of the Census. The State Board shall also furnish, at a reasonable price, such lists to the Clerk of the Senate and the Clerk of the House of Delegates for the sole purpose of maintaining a database of constituent addresses for the General Assembly. The information authorized under this subsection shall be furnished to no other person and used for no other purpose. No list furnished under this subsection shall contain the name of any registered voter. For the purpose of this subsection, the term "census liaison" shall have the meaning provided in 13 U.S.C. § 16.

C. *Lists provided by the Department of Elections may include absentee status, voting history, and other information about a voter that is reasonably related to the political or governmental purpose for which it was requested.* In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter except a list furnished to a court of the Commonwealth or of the United States for jury selection purposes, a commissioner of the revenue or a treasurer for tax assessment, collection, and enforcement purposes, or to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. ~~C.~~ Any list furnished under subsection A of this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

D. All persons receiving lists pursuant to this section shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, on a form approved by the Department of Elections that the provided list is government property and is to be used only for political and governmental purposes.

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§ 24.2-406. Lists of persons voting at elections.

A. The State Board shall furnish, at a reasonable price, *electoral boards shall submit the lists of* persons who voted at any primary, special, or general election held in the four preceding years to (i) candidates for election or political party nomination to further their candidacy, (ii) political party committees or officials thereof for political purposes only, (iii) political action committees that have filed a current statement of organization with the State Board pursuant to § 24.2-949.2 or with the Federal Elections Commission pursuant to federal law, for political purposes only, (iv) incumbent officeholders to report to their constituents, and (v) members of the public or a nonprofit organization seeking to promote voter participation and registration by means of a communication or mailing without intimidation or pressure exerted on the recipient, for that purpose only. Such lists shall be furnished to no one else and shall be used only for campaign and political purposes and for reporting to constituents. Unless such lists are not available due to a pending recount or election contest, the electoral board shall submit the list of persons who voted to the State Board Department of Elections within 60 14 days after each election, *unless such lists are not available due to a pending recount or election contest. The electoral boards of localities using nonelectronic pollbooks shall submit the list of persons who voted to the Department of Elections within seven days after the pollbooks are released from the possession of the clerk of court.* The State Board Department of Elections shall make available such lists no later than seven days after receiving them from the electoral board.

B. The State Board Department of Elections shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with security policies approved by the State Board of Elections.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

§ 24.2-407.1. Prohibition on disclosure of social security numbers or parts thereof.

It shall be unlawful for any person who has obtained, under § 24.2-405 or 24.2-406 or any prior law, a list of persons registered or voting which contained social security numbers, or any parts thereof, to disclose any voter's social security number, or any part thereof, to any other person. Any person maintaining a system containing social security numbers, or any parts thereof, obtained from the Board or the Department of Elections shall delete or destroy the portion of his records containing those numbers, except for a list furnished to a court of the Commonwealth or of the United States for jury selection purposes, a commissioner of the revenue, as defined in § 58.1-3100, or a treasurer, as defined in § 58.1-3123, for tax assessment, collection, and enforcement purposes, or the Chief Election Officer of another state, permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for the purpose of matching voter registration lists.

§ 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 printed 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 printed 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 Department of Elections, the identifying information required on the envelope, including the last four digits of 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 of identification 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 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 printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then promptly 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 of identification 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 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 as provided in subsection A, the meeting shall stand adjourned, 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 of identification 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~~ *Department of Elections* 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.

182 *However, any voter who cast a provisional ballot and is determined by the electoral board to have been*  
183 *entitled to vote shall have his name included on the list of persons who voted that is submitted to the*  
184 *Department of Elections pursuant to § 24.2-406.*

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

188 C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any  
189 ballots marked after the normal polling hours by persons who were not already in line at the time the  
190 polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under  
191 this section. The officers of election shall mark the green envelope for each such provisional ballot to  
192 indicate that it was cast after normal polling hours due to the court order, and when preparing the  
193 materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any  
194 provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as  
195 provided in subsection B; however, the counted and uncounted provisional ballots marked after the  
196 normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional  
197 ballots pollbook. The ~~State Board~~ Department of Elections shall provide instructions to the electoral  
198 boards for the handling and counting of such provisional ballots pursuant to this section.

199 **§ 58.1-609.1. Governmental and commodities exemptions.**

200 The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606  
201 shall not apply to the following:

202 1. Fuels which are subject to the tax imposed by Chapter 22 (§ 58.1-2200 et seq.). Persons who are  
203 refunded any such fuel tax shall, however, be subject to the tax imposed by this chapter, unless such  
204 taxes would be specifically exempted pursuant to any provision of this section.

205 2. Motor vehicles, trailers, semitrailers, mobile homes and travel trailers.

206 3. Gas, electricity, or water when delivered to consumers through mains, lines, or pipes.

207 4. Tangible personal property for use or consumption by the Commonwealth, any political  
208 subdivision of the Commonwealth, or the United States. This exclusion shall not apply to sales and  
209 leases to privately owned financial and other privately owned corporations chartered by the United  
210 States. Further, this exemption shall not apply to tangible personal property which is acquired by the  
211 Commonwealth or any of its political subdivisions and then transferred to private businesses for their  
212 use in a facility or real property improvement to be used by a private entity or for nongovernmental  
213 purposes other than tangible personal property acquired by the Herbert H. Bateman Advanced  
214 Shipbuilding and Carrier Integration Center and transferred to a Qualified Shipbuilder as defined in the  
215 third enactment of Chapter 790 of the 1998 Acts of the General Assembly.

216 5. Aircraft subject to tax under Chapter 15 (§ 58.1-1500 et seq.).

217 6. Motor fuels and alternative fuels for use in a commercial watercraft, as defined in § 58.1-2201,  
218 upon which a fuel tax is refunded pursuant to § 58.1-2259.

219 7. Sales by a government agency of the official flags of the United States, the Commonwealth of  
220 Virginia, or of any county, city or town.

221 8. Materials furnished by the State Board of Elections pursuant to §§ 24.2-404 through 24.2-407  
222 24.2-406.

223 9. Watercraft as defined in § 58.1-1401.

224 10. Tangible personal property used in and about a marine terminal under the supervision of the  
225 Virginia Port Authority for handling cargo, merchandise, freight and equipment. This exemption shall  
226 apply to agents, lessees, sublessees or users of tangible personal property owned by or leased to the  
227 Virginia Port Authority and to property acquired or used by the Authority or by a nonstock, nonprofit  
228 corporation that operates a marine terminal or terminals on behalf of the Authority.

229 11. Sales by prisoners confined in state correctional facilities of artistic products personally made by  
230 the prisoners as authorized by § 53.1-46.

231 12. Tangible personal property for use or consumption by the Virginia Department for the Blind and  
232 Vision Impaired or any nominee, as defined in § 51.5-60, of such Department.

233 13. [Expired.]

234 14. Tangible personal property sold to residents and patients of the Virginia Veterans Care Center at  
235 a canteen operated by the Department of Veterans Services.

236 15. Tangible personal property for use or consumption by any nonprofit organization whose members  
237 include the Commonwealth and other states and which is organized for the purpose of fostering  
238 interstate cooperation and excellence in government.

239 16. Tangible personal property purchased for use or consumption by any soil and conservation  
240 district which is organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter  
241 5 of Title 10.1.

242 17. Tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg  
243 Transit Company, GRTC Transit System, or Greater Roanoke Transit Company, or to any other transit

company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services, and/or tangible personal property sold or leased to any county, city, or town, or any combination thereof, that is transferred to any of the companies set forth in this subdivision owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services.

18. (Effective until July 1, 2017) Qualified products designated as Energy Star or WaterSense with a sales price of \$2,500 or less per product purchased for noncommercial home or personal use. The exemption provided by this subdivision shall apply only to sales occurring during the four-day period that begins each year on the Friday before the second Monday in October and ends at midnight on the second Monday in October.

For the purposes of this exemption, an Energy Star qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, compact fluorescent light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program. For the purposes of this exemption, WaterSense qualified products are those that have been recognized as being water efficient by the WaterSense program sponsored by the U.S. Environmental Protection Agency as indicated by a WaterSense label.

**2. That § 24.2-407 of the Code of Virginia is repealed.**