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HOUSE BILL NO. 1598

Offered January 11, 2017

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A BILL to amend and reenact §§ 24.2-404, 24.2-417, and 24.2-418 of the Code of Virginia, relating to voter registration; proof of citizenship required to register to vote in certain elections.

Patrons—Cole, Dudenhefer, Fariss, Jones, Landes and Wilt; Senator: Stuart

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-417, and 24.2-418 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404. Duties of Department of Elections.

A. The Department of Elections 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 Department shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth. *Such record shall indicate whether a voter is registered to vote in federal, state, and local elections or in federal elections only.*

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 confirmation documents 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 photo identification cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Department shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a voter photo identification card containing the voter's photograph and signature. The Department shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Department. The Department may contract with an outside vendor for the production and distribution of voter photo identification cards.

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 from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, 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 Department. The Department 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 Department 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 Department 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 Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the

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59 regional or statewide list of registered voters shall include the day and month of birth of the voter, but
60 shall include the voter's year of birth.

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

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

68 10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history,
69 and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose
70 addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and
71 to determine eligibility of individuals to vote in Virginia.

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

76 B. The Department shall be authorized to provide for the production, distribution, and receipt of
77 information and lists through the Virginia voter registration system by any appropriate means including,
78 but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et
79 seq.) shall not apply to records about individuals maintained in this system.

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

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

86 E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements
87 Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S.
88 Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter
89 registration system are United States citizens. Upon approval of the application, the Department shall
90 enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The
91 State Board shall promulgate rules and regulations governing the use of the immigration status and
92 citizenship status information received from the SAVE Program.

93 F. The Department shall report annually by August 1 for the preceding 12 months ending June 30 to
94 the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia
95 voter registration system and the results of those activities. The Department's report shall encompass
96 activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to
97 §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428.

98 **§ 24.2-417. Persons to be registered.**

99 A. Each registrar shall register every resident of his county or city who has the qualifications
100 required by the Constitution of Virginia and this title and who applies for registration or transfer of his
101 registration from another county or city in the Commonwealth at the time and in the manner required by
102 law.

103 Any person, once properly registered, shall remain registered unless his registration is cancelled
104 pursuant to Article 5 (§ 24.2-427 et seq.) ~~of this chapter.~~

105 B. *Any person who provides the proof of citizenship required by § 24.2-418 shall be registered to*
106 *vote in federal, state, and local elections. The general registrar shall indicate on such person's*
107 *registration record, in accordance with the instructions of the State Board, that he is registered to vote*
108 *in all elections held in the Commonwealth. Any person who is registered in the Commonwealth on*
109 *January 1, 2018, shall be deemed to have provided proof of citizenship and his registration record shall*
110 *indicate that he is registered to vote in federal, state, and local elections.*

111 C. *Any person who does not provide the proof of citizenship required by § 24.2-418 shall be*
112 *registered to vote in federal elections only. The general registrar shall indicate on such person's*
113 *registration record, in accordance with the instructions of the State Board, that he is registered to vote*
114 *in federal elections only.*

115 **§ 24.2-418. Application for registration.**

116 A. Each applicant to register shall provide, subject to felony penalties for making false statements
117 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless
118 physically disabled, he shall sign the application. The application to register shall be only on a form or
119 forms prescribed by the State Board.

120 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 and disqualified to vote or convicted of a felony, and if so, whether 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 is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.1 or 24.2-411.2, the registration application shall not be pre-populated with information the applicant is required to provide.

For the purposes of this subsection, proof of citizenship shall be provided by any one of the following documents:

1. A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the general registrar;

2. A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the general registrar of the applicant's United States passport;

3. A legible photocopy of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be registered until the number of the certificate of naturalization is verified with U.S. Citizenship and Immigration Services by the general registrar;

4. Other documents or methods of proof of citizenship that are established pursuant to the Immigration Reform and Control Act of 1986, P.L. 99-603, 100 Stat. 3359; or

5. The applicant's Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.

Proof of a person's voter registration in another state shall not constitute proof of citizenship for purposes of this subsection.

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;

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

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

C. If the applicant formerly resided in another state, the general registrar shall send the information contained in the applicant's registration application to the appropriate voter registration official or other authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.