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HOUSE BILL NO. 356

Offered January 10, 2018

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A *BILL to amend and reenact §§ 24.2-418 and 24.2-422 of the Code of Virginia, relating to voter registration; notification of denial.*

Patrons—Reid, Gooditis and Simon

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-418 and 24.2-422 of the Code of Virginia are amended and reenacted 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; 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.

The form of the application to register shall request that the applicant provide his telephone number and email address, but no application shall be denied for failure to provide such information.

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.

§ 24.2-422. Denial of registration; notification; appeal.

A. *Within 10 days after the denial of an application to register, the general registrar shall notify the applicant of the denial. Notice shall be made by all available means, including telephonic notice and email notice.*

The general registrar shall send a new application for registration to the applicant with the form prescribed in subsection B. The general registrar shall advise the applicant that he may complete and return the new application, in lieu of filing an appeal, if the stated reason for denial is that the applicant failed to sign the application or failed to provide a required item of information on the application. If the general registrar is able to reach the applicant by telephone, missing information may be provided and corrections may be made by the applicant by telephone. Any applicant who returns a

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59 *second application and whose second application is denied shall have the right to appeal provided in*
60 *subsection B.*

61 B. A person denied registration shall have the right to appeal, without payment of writ tax or giving
62 security for costs, to the circuit court of the county or city in which he offers to register by filing with
63 the clerk of the court, within ~~ten~~ 10 days after *being notified of* the denial, a petition in writing to have
64 his right to register determined.

65 The petitioner may file his petition by completing and filing a form which shall be prescribed by the
66 State Board and which shall be used by the general registrar to notify an applicant of the denial of his
67 application to register and of the reasons for the denial. The form shall (i) state that an applicant denied
68 registration has the right to appeal to the circuit court of the county or city in which he offers to
69 register, (ii) give the name and address of the clerk of the circuit court for such county or city (to be
70 supplied by the general registrar), (iii) state that a filing fee of ~~ten dollars~~ \$10 must be paid when filing
71 the petition, (iv) contain a statement by which the applicant may indicate his desire to petition the court
72 to have his right to register determined, and (v) provide space for the applicant to state the facts in
73 support of his right to register.

74 On the filing of a petition to have the right to register determined, the clerk of the court shall
75 immediately bring the matter to the attention of the chief judge of the court for the scheduling of a
76 hearing on the petition. The matter shall be heard and determined on the face of the petition, the answer
77 made in writing by the general registrar, and any evidence introduced as part of the proceedings. The
78 proceedings shall take precedence over all other business of the court and shall be heard as soon as
79 possible.

80 On the filing of the petition, the clerk of the court shall immediately give notice to the attorney for
81 the Commonwealth for his county or city, who shall appear and defend against the petition on behalf of
82 the Commonwealth.

83 Judgment in favor of the petitioner shall entitle him to registration. From a judgment rendered
84 against the petitioner, an appeal shall lie to the Supreme Court of Virginia.

85 B. ~~The general registrar shall send a new application for registration to the applicant with the form~~
86 ~~prescribed in subsection A. The general registrar shall advise the applicant that he may complete and~~
87 ~~return the new application, in lieu of filing an appeal, if the reason stated for denial is that the applicant~~
88 ~~has failed to sign the application or failed to provide a required item of information on the application.~~
89 ~~Any applicant who returns a second application and whose second application is denied shall have the~~
90 ~~right to appeal provided in subsection A.~~

91 C. The provisions of § 24.2-416, pertaining to the closing of registration records in advance of an
92 election, shall apply to any application submitted pursuant to ~~subsection~~ *subsections A or B* following a
93 denial of registration.