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SENATE BILL NO. 358

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections
on January 23, 2018)

(Patrons Prior to Substitute—Senators McClellan and Edwards [SB 131])

A *BILL to amend and reenact §§ 24.2-412 and 24.2-415 of the Code of Virginia, relating to voter registration; notice and public access not required for certain voter registration events.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-412 and 24.2-415 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-412. Other locations and times for voter registration.

A. In addition to voter registration locations provided for in §§ 24.2-411, 24.2-411.1, and 24.2-411.2, opportunities for voter registration may be provided at other agency offices, business offices, establishments and occasional sites open to the general public, and shall be provided as required by this section. Voter registration shall be conducted only in public places open to the general public and at preannounced hours. Assistant registrars should serve during such hours and at such places. The conduct of voter registration by the general registrar or an assistant registrar in public places at preannounced hours shall not be deemed solicitation of registration. *Voter registration events sponsored or conducted by an entity or organization which the general registrar or an assistant registrar attends as an invitee shall not be required to be open to the public.*

B. The general registrar is authorized to set within his jurisdiction ongoing locations and times for registration in local or state government agency offices or in businesses or other establishments open to the general public, subject to the approval of, and pursuant to an agreement with, the head of the government agency, the owner or manager of the business or establishment, or the designee of either. The agreement shall provide for the appointment of employees of the agency, business, or establishment to serve as assistant registrars and shall be in writing and approved by the local electoral board prior to implementation.

Employees of the agency, business, or establishment who are appointed to serve as assistant registrars may be nonresidents of the jurisdiction they are appointed to serve, provided that (i) they are qualified voters of the Commonwealth and (ii) they serve only at their place of employment within the jurisdiction they are appointed to serve.

C. The general registrar or electoral board may set additional occasional sites and times for registration within the jurisdiction. A multi-family residential building not usually open to the public may be used as an occasional registration site so long as the public has free access to the site during the time for registering voters. *Voter registration conducted in a high school shall not be required to be open to the public.*

§ 24.2-415. Notice of times and locations for registration.

A. The general registrar shall give notice of the date, hours, and locations for registration on the final day of registration at least 10 days before each final day. The notice for the final day shall be posted on the official website of the county or city, if applicable, and published at least once in a newspaper of general circulation in the county or city.

At least three days' advance notice shall be given for other times and locations for voter registration. This notice shall be posted on the official website of the county or city, if applicable, and published at least once in a newspaper of general circulation in the county or city, or announced at least twice on a television station serving the county or city.

B. Notice shall not be required for (i) the regular office hours for the general registrar's office or any other office normally staffed by one or more registrars; (ii) any office or location offering voter registration services or forms in the normal course of its daily business; ~~or~~; (iii) any ~~other~~ location at which mail applications are offered under Article 3.1 (§ 24.2-416.1 et seq.) ~~of this chapter~~ but no registrar, nor any person authorized to receive voter registration applications pursuant to § 24.2-415.1, is present; (iv) *any event that is not open to the public which the general registrar or an assistant registrar attends; or* (v) *any event which the general registrar or an assistant registrar attends as an invitee.*