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SENATE BILL NO. 1042

Offered January 9, 2019

Prefiled November 24, 2018

A *BILL to amend and reenact §§ 24.2-114 and 24.2-422 of the Code of Virginia, relating to voter registration; notification of denial.*

Patrons—Marsden; Delegate: Kory

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-114 and 24.2-422 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-114. Duties and powers of general registrar.

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.

6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.

7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

8. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.

9. If a person is denied registration, promptly notify such person in writing of the denial and the

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59 reason for denial *within 14 days of the denial* in accordance with § 24.2-422.

60 10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the
61 pollbooks available to the precincts, and according to the instructions of the State Board provide a copy
62 of the data from the pollbooks to the State Board after each election for voting credit purposes.

63 11. Retain the pollbooks in his principal office for two years from the date of the election.

64 12. Maintain accurate and current registration records and comply with the requirements of this title
65 for the transfer, inactivation, and cancellation of voter registrations.

66 13. Whenever election districts, precincts, or polling places are altered, provide for entry into the
67 voter registration system of the proper district and precinct designations for each registered voter whose
68 districts or precinct have changed and notify each affected voter of changes affecting his districts or
69 polling place by mail.

70 14. Whenever any part of his county or city becomes part of another jurisdiction by annexation,
71 merger, or other means, transfer to the appropriate general registrar the registration records of the
72 affected registered voters. The general registrar for their new county or city shall notify them by mail of
73 the transfer and their new election districts and polling places.

74 15. When he registers any person who was previously registered in another state, notify the
75 appropriate authority in that state of the person's registration in Virginia by providing electronically,
76 through the Department of Elections, the information contained in that person's registration application.

77 16. Whenever any person is believed to be registered or voting in more than one state or territory of
78 the United States at the same time, inquire about, or provide information from the voter's registration
79 and voting records to any appropriate voter registration or other authority of another state or territory
80 who inquires about, that person's registration and voting history.

81 17. At the request of the county or city chairman of any political party nominating a candidate for
82 the General Assembly, constitutional office, or local office by a method other than a primary, review
83 any petition required by the party in its nomination process to determine whether those signing the
84 petition are registered voters with active status.

85 18. Carry out such other duties as prescribed by the electoral board in his capacity as the director of
86 elections for the locality in which he serves.

87 19. Attend an annual training program provided by the State Board. A general registrar may
88 designate one member of his staff to attend such training program if he is unable to attend because of a
89 personal or family emergency.

90 **§ 24.2-422. Appeal of person denied registration.**

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

95 The petitioner may file his petition by completing and filing a form which shall be prescribed by the
96 State Board and which shall be used by the general registrar to notify an applicant of the denial of his
97 application to register and of the reasons for the denial. The form shall (i) state that an applicant denied
98 registration has the right to appeal to the circuit court of the county or city in which he offers to
99 register, (ii) give the name and address of the clerk of the circuit court for such county or city (to be
100 supplied by the general registrar), (iii) state that a filing fee of ten dollars must be paid when filing the
101 petition, (iv) contain a statement by which the applicant may indicate his desire to petition the court to
102 have his right to register determined, and (v) provide space for the applicant to state the facts in support
103 of his right to register.

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

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

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

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

121 C. The provisions of § 24.2-416, pertaining to the closing of registration records in advance of an
122 election, shall apply to any application submitted pursuant to subsection B following a denial of
123 registration.

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