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SENATE BILL NO. 1250

Offered January 9, 2019

Prefiled January 5, 2019

A *BILL to amend and reenact §§ 24.2-416.7, 24.2-424, and 24.2-706 of the Code of Virginia, relating to voter registration; absentee voting; prohibited changes to voter registration record.*

Patron—Reeves

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-416.7, 24.2-424, and 24.2-706 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-416.7. Application for voter registration by electronic means.

A. Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote by electronic means as authorized by the State Board by completing an electronic registration application.

B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence within the Commonwealth by electronic means as authorized by the State Board by completing an electronic registration application.

C. An electronic registration application completed pursuant to this article shall require that an applicant:

1. Provide the information as required under § 24.2-418;

2. Have a Virginia driver's license or special identification card issued by the Department of Motor Vehicles;

3. Provide a social security number and Department of Motor Vehicles customer identifier number that matches the applicant's record in the Department of Motor Vehicles records;

4. Attest to the truth of the information provided;

5. Sign the application in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.); and

6. Affirmatively authorize the Department of Elections and general registrar to use the applicant's signature obtained by the Department of Motor Vehicles for voter registration purposes.

D. In order for an individual to complete a transaction under this article, the general registrar shall verify that the Department of Motor Vehicles customer identifier number, date of birth, and social security number provided by the applicant match the information contained in the Department of Motor Vehicles records.

E. The Department of Motor Vehicles shall provide to the Department of Elections a digital copy of the applicant's signature on record with the Department of Motor Vehicles.

F. The Department of Elections shall transmit to the general registrar an applicant's completed voter registration application and digital signature not later than five business days after the date of receipt.

G. Each transaction taking place under this section shall be accompanied by the following statement featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT DURING THIS TRANSACTION CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

H. *No registration transaction performed under this article by a registered voter who has applied for and has been sent or provided an absentee ballot shall be processed until after the election for which he was sent or provided an absentee ballot.*

I. The Department of Elections may use additional security measures approved by the State Board to ensure the accuracy and integrity of registration transactions performed under this article.

§ 24.2-424. Change of registered voter's address within the Commonwealth.

voter registration; absentee voting; prohibited changes to voter registration record

A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign,

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59 in which case his own mark acknowledged by a witness shall be sufficient signature. Notice may be
60 provided by electronic means as authorized by the State Board and signed by the voter in a manner
61 consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479
62 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from
63 the address for the voter on the voter registration system shall not be sufficient notice to change the
64 voter's registration address. Any statements made by any voter applying for transfer are subject to felony
65 penalties for making a false statement pursuant to § 24.2-1016.

66 B. If the voter has moved within the same county or city, on receipt of the notification, the general
67 registrar for that county or city shall (i) enter the new address on the registration record; (ii) if satisfied
68 that the registered voter has moved into another precinct within the same county or city, transfer the
69 registration of the voter to that precinct; and (iii) send the voter confirmation documents. This transfer
70 may be entered in the registration records at any time the registration records are not closed pursuant to
71 § 24.2-416.

72 C. Any request for transfer or change of address within the Commonwealth delivered to any registrar
73 shall be forwarded to the general registrar for the city or county in the Commonwealth where the voter
74 now resides. When forwarding said notice, or upon request from the registrar for the county or city
75 where the voter now resides, the registrar for the county or city where the voter formerly resided shall
76 forward the original application for registration to the registrar for the voter's new locality.

77 D. Upon receipt of the voter's original registration application, and notice as specified in subsection
78 A of this section indicating the voter's current residence, the registrar for the county or city in which the
79 voter currently resides shall: (i) enter the new address on the registration record; (ii) if satisfied that the
80 registered voter has moved into a precinct within that county or city, transfer the registration of the
81 voter to that precinct; (iii) send the voter confirmation documents; and (iv) through the Virginia voter
82 registration system, notify the registrar of the locality where the voter formerly resided that the
83 registration has been transferred. This transfer may be entered in the registration records at any time the
84 registration records are not closed pursuant to § 24.2-416.

85 E. If the original registration application is no longer available to the registrar in the city or county
86 where the voter formerly resided, either of the following shall be sent to and accepted by the registrar in
87 the city or county where the voter now resides in lieu of such application: (i) an unsigned voter card (or
88 conversion card) used as the voter record upon the creation of the statewide voter registration system or
89 (ii) a replacement record provided by the Department to replace damaged files in the registrar's office. If
90 no other record is available, then the registrar of the voter's former locality shall provide written
91 notification to the registrar of the locality in which the voter now resides that none of the required
92 documents are available. In this instance only, the registrar of the locality in which the voter now
93 resides shall copy the voter's record from the Virginia voter registration system and use that record in
94 lieu of the original voter registration application. Any complete voter registration application on a form
95 previously authorized for use in Virginia shall be valid for the purposes of continuing or transferring a
96 voter's registration within the Commonwealth.

97 F. *No request for transfer or change of address within the Commonwealth shall be processed for a*
98 *registered voter who has applied for and has been sent or provided an absentee ballot until after the*
99 *election for which he was sent or provided an absentee ballot. The Department shall provide*
100 *instructions to the general registrars for determining whether a registered voter has been sent or*
101 *provided an absentee ballot and notifying a registered voter whose request for transfer or change of*
102 *address has been placed on hold.*

103 **§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.**

104 On receipt of an application for an absentee ballot, the general registrar shall enroll the name and
105 address of each registered applicant on an absentee voter applicant list that shall be maintained in the
106 office of the general registrar with a file of the applications of the listed applicants. The list shall be
107 available for inspection and copying and the applications shall be available for inspection only by any
108 registered voter during regular office hours. Upon request and for a reasonable fee, the Department of
109 Elections shall provide an electronic copy of the absentee voter applicant list to any political party or
110 candidate. Such list shall be used only for campaign and political purposes. Any list made available for
111 inspection and copying under this section shall contain the post office box address in lieu of the
112 residence street address for any individual who has furnished at the time of registration or subsequently,
113 in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

114 No list or application containing an individual's social security number, or any part thereof, or the
115 individual's day and month of birth, shall be made available for inspection or copying by anyone. The
116 Department of Elections shall prescribe procedures for general registrars to make the information in the
117 lists and applications available in a manner that does not reveal social security numbers or parts thereof,
118 or an individual's day and month of birth.

119 The completion and timely delivery of an application for an absentee ballot shall be construed to be
120 an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____ "

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate or other evidence of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in

182 the office of the general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an
183 application for registration. A certificate or other evidence of mailing shall not be required. If the
184 applicant requests that such items be sent by electronic transmission, the general registrar, at the time
185 when the printed ballots for the election are available but not later than the deadline set forth in
186 § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for
187 returning the marked ballot, and instructions to the voter. Such materials shall be sent using the official
188 email address or fax number of the office of the general registrar published on the Department of
189 Elections website. The State Board of Elections may prescribe by regulation the format of the email
190 address used for transmitting ballots to eligible voters. A general registrar may also use electronic
191 transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be
192 returned to the general registrar as otherwise required by this chapter.

193 *Whenever a general registrar sends or provides an absentee ballot to a registered applicant, the*
194 *general registrar shall enroll the name and address of the applicant into the Virginia voter registration*
195 *system as having been sent or provided an absentee ballot in accordance with the instructions of the*
196 *Department for purposes of subsection H of § 24.2-416.7 or subsection F of § 24.2-424.*

197 When the statement prescribed in subdivision 2 has been properly completed and signed by the
198 registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

199 The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this
200 section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole
201 or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur,
202 or (iii) the campaign committee or the appropriate district political party chairman of such candidate.
203 Any person who fails to discharge his duty as provided in this section through willful neglect of duty
204 and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of
205 § 24.2-1001.