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HOUSE BILL NO. 544

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact §§ 24.2-418 and 24.2-643 of the Code of Virginia, relating to voter identification; optional restrictive identification requirement.

Patron—Batten

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-418 and 24.2-643 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 § 24.2-411.2 or 24.2-411.3, 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.

The form of the application to register shall permit the applicant to indicate whether he opts to be required to present a valid photo identification issued by the Commonwealth, one of its political subdivisions, or the United States when voting in person, but no application shall be denied for failure to make an indication.

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;

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

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; and

6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of Title 63.2.

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.

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and the

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59 voter may give such information orally or in writing. The officer of election shall verify with the voter
60 his full name and address and shall repeat, in a voice audible to party and candidate representatives
61 present, the full name provided by the voter. ~~The~~ *Except as provided in subsection F, the* officer shall
62 ask the voter to present any one of the following forms of identification: (i) his voter confirmation
63 documents; (ii) his valid Virginia driver's license, his valid United States passport, or any other
64 identification issued by the Commonwealth, one of its political subdivisions, or the United States, other
65 than a driver privilege card issued under § 46.2-328.3 or an identification privilege card issued under
66 § 46.2-345.3; (iii) any valid student identification card issued by any institution of higher education
67 located in the Commonwealth or any private school located in the Commonwealth; (iv) any valid
68 student identification card containing a photograph of the voter and issued by any institution of higher
69 education located in any other state or territory of the United States; (v) any valid employee
70 identification card containing a photograph of the voter and issued by an employer of the voter in the
71 ordinary course of the employer's business; or (vi) a copy of a current utility bill, bank statement,
72 government check, paycheck, or other government document containing the name and address of the
73 voter. The expiration date on a Virginia driver's license shall not be considered when determining the
74 validity of the driver's license offered for purposes of this section.

75 Except as provided in subsection E, any voter who does not show one of the forms of identification
76 specified in this subsection shall be allowed to vote after signing a statement, subject to felony penalties
77 for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. A
78 voter who requires assistance in voting by reason of a physical disability or an inability to read or write,
79 and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in
80 accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall
81 be followed when assisting a voter in completing this statement. A voter who does not show one of the
82 forms of identification specified in this subsection and does not sign this statement shall be offered a
83 provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an
84 ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral
85 board other than matching submitted identification documents from the voter for the electoral board to
86 make a determination on whether to count the ballot.

87 If the voter presents one of the forms of identification listed above, if his name is found on the
88 pollbook in a form identical to or substantially similar to the name on the presented form of
89 identification and the name provided by the voter, if he is qualified to vote in the election, and if no
90 objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next
91 consecutive number from the voter count form provided by the State Board, or shall enter that the voter
92 has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot;
93 and another officer shall admit him to the voting booth. Each voter whose name has been marked on the
94 pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of
95 election in the polling place until he has voted. If a line of voters who have been marked on the
96 pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to
97 extend outside of the room containing the voting booths and shall remain under observation by the
98 officers of election.

99 A voter may be accompanied into the voting booth by his child age 15 or younger.

100 C. If the current residence address provided by the voter is different from the address shown on the
101 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the
102 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties
103 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an
104 envelope provided for such forms for transmission to the general registrar who shall then transfer or
105 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

106 D. At the time the voter is asked his full name and current residence address, the officer of election
107 shall ask any voter for whom the pollbook indicates that an identification number other than a social
108 security number is recorded on the Virginia voter registration system if he presently has a social security
109 number. If the voter is able to provide his social security number, he shall be furnished with a voter
110 registration form prescribed by the State Board to update his registration information. Upon its
111 completion, the form shall be placed by the officer of election in an envelope provided for such forms
112 for transmission to the general registrar. Any social security numbers so provided shall be entered by the
113 general registrar in the voter's record on the voter registration system.

114 E. This subsection shall apply in the case of any individual who is required by subparagraph (b) of
115 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes
116 in a federal election in the state. At such election, such individual shall present (i) a current and valid
117 photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck,
118 or other government document that shows the name and address of the voter. Such individual who
119 desires to vote in person but does not show one of the forms of identification specified in this
120 subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The identification

requirements of subsection B of this section and subsection A of § 24.2-653 shall not apply to such voter at such election. 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.

F. The officer of election shall ask a voter for whom the pollbook indicates a valid photo identification issued by the Commonwealth, one of its political subdivisions, or the United States is required to vote to present such identification. If the voter does not show a valid photo identification issued by the Commonwealth, one of its political subdivisions, or the United States, he shall be offered a provisional ballot under the provisions of § 24.2-653.

2. That, no later than October 1, 2022, the Department of Elections shall provide the means for each registered voter to indicate whether he opts to be required to present a valid photo identification issued by the Commonwealth, one of its political subdivisions, or the United States when voting in person.