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HOUSE BILL NO. 2361

House Amendments in [] — February 6, 1995

A BILL to amend and reenact §§ 24.2-114 and 24.2-417 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 4 of Title 24.2 an article numbered 3.1, consisting of sections numbered 24.2-416.1 through 24.2-416.4, relating to voter registration; duties of the general registrars; and registration by mail.

Patrons—Cunningham, Christian, Crittenden, Jones, D.C., Jones, J.C., Robinson and Spruill; Senators: Lucas, Marsh and Miller, Y.B.

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-114 and 24.2-417 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 4 of Title 24.2 an article numbered 3.1, consisting of sections numbered 24.2-416.1 through 24.2-416.4, 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 Article 4 (§ 24.2-411 et seq.) of Chapter 4 of this title, and 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.

2. Perform his duties within the county or city he was appointed to serve, except that a registrar may 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.

3. 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. *Any person [eligible to register] may request by mail, by telephone, in person, or through another person, a registration application form from the office of the general registrar. [Any person who completes a registration application form may return the form A registration form may be returned] to the office of the general registrar by mail, in person, or through another person.*

4. Accept a registration application submitted ~~in person~~ by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application to the registrar of the applicant's residence within twenty-four hours by hand or first-class mail. The registrar of the applicant's residence shall accept as timely any application submitted prior to or on the final day of registration, determine the qualification of the applicant, and promptly notify the applicant at the address shown on the application of the acceptance or denial of his registration.

5. 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.

6. 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.

7. If a person is denied registration, promptly notify such person in writing of the denial and the reason for denial in accordance with § 24.2-422.

8. Verify the accuracy of the separate precinct registered voter lists provided for each election by the State Board, make the lists available to the precincts, and return the lists to the State Board after each election for voting credit purposes.

9. After the return of the precinct registered voter lists by the State Board, retain the lists in his principal office for four years.

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10. Maintain accurate and current registration records and comply with the requirements of this title for the transfer and cancellation of voter registrations.

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

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

13. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia.

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

15. Carry out such other duties as prescribed by the electoral board.

Article 3.1.

Mail Registration.

§ 24.2-416.1. Voter registration by mail.

A person may apply to register to vote by mail by completing and returning a mail voter registration form in the manner and time provided by law.

§ 24.2-416.2. Mail Voter Registration Application Forms.

Notwithstanding the provisions of § 24.2-418, the national mail voter registration application form promulgated by the Federal Election Commission pursuant to the National Voter Registration Act (42 U.S.C. § 1973gg et seq.) shall be accepted for the registration of otherwise qualified voters to vote in federal elections for federal offices. In addition to the national voter registration application form promulgated by the Federal Election Commission, the State Board of Elections shall design and distribute a state mail registration application form. Such state form shall include the eligibility requirements for registration as provided in this title and shall require each applicant to provide the information required subject to felony penalties for making false statements pursuant to § 24.2-1016. The state mail registration application form shall contain a notice that the filing of the application does not constitute registration and that the applicant will be notified whether or not the applicant has been registered.

§ 24.2-416.3. Distribution of mail registration application forms.

The State Board of Elections shall make available to any individual or group a reasonable number of mail voter registration application forms. Each general registrar (i) shall, upon request made by mail, telephone or in person, supply a mail voter registration application form to any individual who seeks to register and (ii) shall, upon request made by mail or in person, supply a reasonable number of mail voter registration application forms to any individual or group to distribute to potential registration applicants.

§ 24.2-416.4. Return of mail voter registration applications.

A. Notwithstanding the provisions of § 24.2-416, a mail voter registration application returned through the United States Postal Service shall be deemed to have been made as of the date of the postmark affixed to such application by the United States Postal Service. If no such postmark is affixed or if the postmark affixed by the United States Postal Service is illegible or bears no date, such application shall be deemed to have been timely if received through the United States mail no later than five days following the time for the closing of the registration books pursuant to § 24.2-416.

B. In any other case, a completed mail voter registration application form shall be deemed timely if received by any general registrar by the deadline provided for in § 24.2-416 for closing the registration books.

§ 24.2-417. Persons to be registered.

Each registrar shall register every resident of his county or city who has the qualifications required by the Constitution of Virginia and this title and who applies for registration in person, or by absentee application as set forth in § 24.2-419, at the time and in the manner required by law.

Any person, once properly registered, shall remain registered unless his registration is cancelled pursuant to Article 5 (§ 24.2-426 et seq.) of this chapter.