

# VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

## CHAPTER 73

*An Act to amend and reenact §§ 24.2-101, 24.2-114, 24.2-401, 24.2-412, 24.2-413, 24.2-417, 24.2-425 through 24.2-429, 24.2-431, 24.2-444, and 24.2-643 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 24.2-404.1, 24.2-409.1, 24.2-411.1, 24.2-411.2, 24.2-415.1, 24.2-428.1, 24.2-428.2, and 24.2-1002.1 and by adding in Chapter 4 of Title 24.2 an article numbered 3.1, consisting of sections numbered 24.2-416.1 through 24.2-416.5, relating to the implementation of the National Voter Registration Act (42 U.S.C. § 1973gg et seq.); penalty.*

[S 101]

Approved March 4, 1996

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-101, 24.2-114, 24.2-401, 24.2-412, 24.2-413, 24.2-417, 24.2-425 through 24.2-429, 24.2-431, 24.2-444, and 24.2-643 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 24.2-404.1, 24.2-409.1, 24.2-411.1, 24.2-411.2, 24.2-415.1, 24.2-428.1, 24.2-428.2, and 24.2-1002.1 and by adding in Chapter 4 of Title 24.2 an article numbered 3.1, consisting of sections numbered 24.2-416.1 through 24.2-416.5, as follows:**

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.) and 9 (§ 24.2-900 et seq.) of this title, "candidate" shall include any write-in candidate.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least ten percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Polling place" means the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) eighteen years of age, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) registered to vote. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority.

No person adjudicated to be mentally incompetent shall be a qualified voter unless his competency has been reestablished as provided by law.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

*"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6 and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status.*

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. In determining domicile, consideration may be given to a person's expressed intent, conduct, and all attendant circumstances including, but not limited to, financial independence, business pursuits, employment, income sources, residence for income tax purposes, marital status, residence of parents, spouse and children, if any, leasehold, sites of personal and real property owned by the person, motor vehicle and other personal property registration, and other factors reasonably necessary to determine the qualification of a person to register or vote.

"Special election" means any election which is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth which is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4 of this title.

§ 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,~~ § 24.2-412 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.

- 3a. *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 precinct registered voter lists used for the conduct of elections.*

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.~~ *Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall accept recognize as timely any application 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, 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.

10. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, *inactivation*, 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 *with active status*.

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

§ 24.2-401. Persons moving from precinct.

A person who is qualified to vote except for having moved his residence from one precinct to another within the Commonwealth may vote in the precinct from which he has moved in the following November general election and any intervening election unless his registration has been transferred or cancelled as provided in this chapter. *Such person may continue to vote in the precinct from which he has moved, for federal offices only, through the second general and intervening elections for federal office, provided that (i) he has moved his residence from one precinct to another in the same registrar's jurisdiction and the same congressional district; (ii) he has failed to respond to the notice provided in § 24.2-428; (iii) his registration has not been transferred or cancelled as provided in this chapter; and (iv) he has affirmed orally or in writing his new address before an officer of election at the polling place.*

§ 24.2-404.1. *Secretary of State Board of Elections to serve as state coordinator for the administration of the National Voter Registration Act.*

*The Secretary of the State Board of Elections shall be the chief state election officer responsible for the coordination of state responsibilities under the National Voter Registration Act (42 U.S.C. § 1973gg et seq.).*

§ 24.2-409.1. *State Board to transmit information pertaining to persons convicted of a felony in federal court.*

*Upon receipt of a notice of a felony conviction sent by a United States attorney pursuant to the National Voter Registration Act (42 U.S.C. § 1973gg et seq.), the State Board shall notify the appropriate general registrar of the conviction.*

§ 24.2-411.1. *Offices of the Department of Motor Vehicles.*

*A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department to:*

- 1. Apply for, replace, or renew a driver's license;*
- 2. Apply for, replace, or renew a special identification card; or*
- 3. Change an address on an existing driver's license or special identification card.*

*B. The method used to receive an application for voter registration shall avoid duplication of the license portion of the license application and require only the minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws. A person who does not sign the registration portion of the application shall be deemed to have declined to register at that time. The voter application shall include a statement that, if an applicant declines to register to vote, the fact the applicant has declined to register will remain confidential and will be used only for voter registration purposes.*

Each application form distributed under this section shall be accompanied by the following statement featured prominently in boldface capital letters: **"WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM 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."**

Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. The notification and the registered voter's registration record shall be transmitted as directed by the State Board of Elections to the appropriate general registrar who shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-425.

C. The completed voter registration portion of the application shall be transmitted as directed by the State Board not later than five business days after the date of receipt.

D. The State Board of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.

E. A person who provides services at the Division of Motor Vehicles shall not disclose, except as authorized by law for official use, the social security number of any applicant for voter registration.

§ 24.2-411.2. State-designated voter registration agencies.

A. The following agencies are designated as voter registration agencies in compliance with the National Voter Registration Act (42 U.S.C. § 1973gg et seq.) and shall provide voter registration opportunities at their state, regional, or local offices, depending upon the point of service:

1. Agencies whose primary function is to provide public assistance, including agencies that provide benefits under the Aid to Families with Dependent Children program; Special Supplemental Food Program for Women, Infants, and Children; Medicaid program; or Food Stamps program;

2. Agencies whose primary function is to provide state-funded programs primarily engaged in providing services to persons with disabilities;

3. Armed Forces recruitment offices; and

4. The regional offices of the Department of Game and Inland Fisheries and the offices of the Virginia Employment Commission in the Northern Virginia Planning District 8.

B. The Secretary of the State Board of Elections, with the assistance of the Office of the Attorney General, shall compile and maintain a list of the specific agencies covered by subdivisions A 1 and A 2 which, in the legal opinion of the Attorney General, must be designated to meet the requirements of the National Voter Registration Act. The Secretary of the State Board of Elections shall notify each agency of its designation and thereafter notify any agency added to or deleted from the list.

C. At each voter registration agency, the following services shall be made available on the premises of the agency:

1. Distribution of mail voter registration forms provided by the State Board of Elections;

2. Assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance; and

3. Receipt of completed voter registration application forms.

D. A voter registration agency, which provides service or assistance in conducting voter registration, shall make the following services available on the premises of the agency:

1. Distribution with each application for its service or assistance, or upon admission to a facility or program, and with each recertification, readmission, renewal, or change of address form, of a voter registration application prescribed by the State Board of Elections that complies with the requirements of the National Voter Registration Act (42 U.S.C. § 1973gg et seq.).

2. Provision, as part of the voter registration process, of a form that includes:

a. The question: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

b. If the agency provides public assistance, the statement: "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

c. Boxes for the applicant to check to indicate whether the applicant would like to register, declines to register to vote, or is already registered (failure to check any box being deemed to constitute a declination to register for purposes of subdivision 2 a of this subsection), together with the statement (in close proximity to the boxes and in prominent type): "IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

d. The statement: "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek help or accept help is yours. You may fill out the

application form in private."

e. The statement: "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the State Board of Elections." The statement shall include the address and telephone number of the State Board.

f. The following statement accompanying the form which features prominently in boldface capital letters: **"WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM 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."**

3. Provision to each applicant who does not decline to register to vote of the same degree of assistance with regard to the completion of the voter registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses assistance.

E. If a voter registration agency designated under subsection A of this section provides services to a person with a disability at the person's home, the agency shall provide the voter registration services as provided for in this section.

F. A person who provides services at a designated voter registration agency shall not:

1. Seek to influence an applicant's political preference;
2. Display any material indicating the person's political preference or party allegiance;
3. Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits; or

4. Disclose, except as authorized by law for official use, the social security number of any applicant for voter registration.

Any person who is aggrieved by a violation of this subsection may provide written notice of the violation to the State Board of Elections. The Board shall be authorized to cooperate with the agency to resolve the alleged violation. Nothing contained in this subsection shall prohibit an aggrieved person from filing a complaint in accordance with § 24.2-1019 against a person who commits any election law offense enumerated in §§ 24.2-1000 through 24.2-1016.

G. A completed voter registration application shall be transmitted as directed by the State Board of Elections not later than five business days after the date of receipt.

H. Each state-designated voter registration agency shall maintain such statistical records on the number of applications to register to vote as requested by the State Board of Elections.

§ 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, ~~other~~ 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.

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.

D. The general registrar in each county or city shall designate registration locations, in addition to the general registrar's principal office, for registration at one or more times within the forty days immediately preceding the final day of registration prior to each November general election. He shall designate at least one location for each 5,000 of population in his county or city, but shall not be required to designate more than twenty locations for the purposes of this subsection. These locations shall be geographically dispersed throughout the county or city. Times for registration at these locations shall be scheduled, to the extent possible, after five o'clock p.m. or on weekends. Each general registrar shall file with the State Board by the immediately preceding August 15, the plans for these designated

locations and the hours each location will be open.

§ 24.2-413. Accessible registration locations.

The office of the general registrar, and each agency, business, and establishment set for registration pursuant to §§ 24.2-411.1, 24.2-411.2 and 24.2-412 B shall be accessible as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the *Department of Motor Vehicles, state-designated voter registration agencies*, local electoral boards and general registrars to assist them in complying with the requirements of the Acts.

In the selection of additional registration sites as provided in § 24.2-412, consideration shall be given to accessibility so that a reasonable number of accessible sites are provided and the requirements of the above cited Acts are met.

§ 24.2-415.1. *Persons authorized to receive voter registration applications.*

A. Any designated employee of an office of the Department of Motor Vehicles, state-designated voter registration agency, or Armed Forces recruitment office shall be authorized to receive a voter registration application when hand delivered by the applicant during the hours that the office is open.

B. The registration date for a valid voter registration application that has been hand delivered is the date when received by any general registrar or any person authorized to receive voter registration applications pursuant to subsection A of this section.

Article 3.1.

Mail Registration.

§ 24.2-416.1. *Voter registration by mail.*

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

B. Any person, who registers to vote by mail pursuant to this article and who has not previously voted in the county or city in which he registers to vote, shall be required to vote in person. However, this requirement to vote in person shall not apply to a person who (i) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff-1 et seq.); (ii) is provided the right to vote otherwise than in person under § 3 (b) (2) (B) (ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee-1 (b) (2) (B) (ii)); (iii) is entitled to vote otherwise than in person under other federal law; or (iv) is a full-time student in an institution of higher learning.

§ 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, state, and local elections. In addition to the national form promulgated by the Federal Election Commission, the State Board of Elections shall design and distribute a state mail voter 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.

Each state form shall be accompanied by the following statement featured prominently in boldface capital letters: **"WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM 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."**

§ 24.2-416.3. *Distribution of mail voter 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.

§ 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 shall be deemed timely if received by any general registrar or any person authorized to receive voter registration applications pursuant to § 24.2-415.1, by the deadline provided for in § 24.2-416 for closing the registration books.

§ 24.2-416.5. *Social security number not to be disclosed.*

Any person assisting an applicant with the completion or return of a mail voter registration application shall not copy, disclose or make any use of the social security number of the applicant except as authorized by law for official use.

§ 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.

§ 24.2-425. Transfer of registered voter to another county or city.

Whenever a registered voter changes his place of residence from one county or city to another in the Commonwealth, he may appear in person before a general registrar to request transfer of his registration and provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, all pertinent information required by § 24.2-418 for registration.

A request for transfer may be made by mail *on a form prescribed by the State Board* in which case the application for transfer shall be signed by the voter and subject to felony penalties for making false statements pursuant to § 24.2-1016. ~~His signature shall be witnessed by one person who shall sign the application, provide his full name and address, and state he is age eighteen or older.~~

If the general registrar of the voter's new residence is satisfied that the voter has met the requirements to be registered, the voter's registration shall be transferred and a new voter registration card issued to him. A transfer may be entered in the registration records at any time the registration records are not closed pursuant to § 24.2-416.

§ 24.2-426. Voluntary cancellation of registration.

Any registered voter may cancel his registration and have his name removed from the ~~active~~ central registration records by signing in person at the office of the general registrar an authorization for cancellation on a form prescribed by the State Board.

§ 24.2-427. Cancellation of registration for persons known to be deceased or disqualified to vote.

The general registrar shall cancel the registration of (i) all persons known by him to be deceased or disqualified to vote by reason of a felony conviction or adjudication of mental incompetency and (ii) all persons for whom a notice has been received, signed by the voter or the registration official of another jurisdiction, that the voter has moved from the county or city. *The notice received in clause (ii) shall be considered as a written request from the voter to have his registration cancelled.* A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered.

§ 24.2-428. Regular periodic review of registration records; notice to voters identified as having moved; placement on inactive status for failure to respond to notice.

A. The State Board shall mail annually to each registered voter who has not voted at least once during four consecutive calendar years a notice, sent to his address on the registration records, that his registration will be cancelled if he does not affirm on an enclosed registration extension application that he continues to reside at the address shown on the enclosed form and desires to remain registered *establish a voter list maintenance program using the change of address information supplied by the United States Postal Service through its licensees or by other reliable sources to identify voters whose addresses may have changed. Any such program shall be regular and periodic and shall be conducted at least annually. The program shall be completed not later than ninety days prior to the date of a federal primary or federal general election.*

B. *If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address in the same county or city in which the voter is currently registered, the State Board of Elections shall provide to the general registrar the information necessary to change the registration records to show the new address, and the general registrar shall send to the new address of the voter by forwardable mail, a notice of the change, along with a postage prepaid, pre-addressed return card by which the voter may verify or correct the address information.*

C. *If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address not in the same county or city, the general registrar shall send to the last known address of the voter by forwardable mail, a notice on a form prescribed by the State Board, along with a postage prepaid and pre-addressed return card on which the voter may state his current address.*

D. The registered voter shall complete and sign the ~~application~~ return card subject to felony penalties for making false statements pursuant to § 24.2-1016. ~~His signature shall be witnessed by one person who shall also sign the form. The returned form must be postmarked no later than January 15 in order for the voter to remain registered. Any registered voter who returns the signed application form shall remain registered as long as he votes at least once in the four consecutive years following the mailing of the notice and is not otherwise disqualified to vote. The registration of any voter who does not return the form shall be cancelled.~~

E. *The general registrar shall correct his registration records from the information obtained from the return card. If the information indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the general registrar shall transfer the registration record, along with the return card, to the appropriate general registrar who shall treat the request for a*

*change of address as a request for transfer and shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-425. If the general registrar does not receive the return card provided for in subsection C of this section within thirty days after it is sent to the voter, the registered voter's name shall be placed on inactive status. A registered voter's failure to receive the notice shall not affect the validity of the cancellation inactivation.*

The notice of intent to cancel shall be mailed by first class postage "Do Not Forward" by the State Board prior to December 31 in each calendar year. All returned forms for requests to remain registered shall be forwarded to the general registrars by the State Board.

The general registrar shall post at the courthouse or have published in a newspaper of general circulation in his county or city a list of names of persons whose registration has been cancelled pursuant to this section. He shall deliver or mail, obtaining a certificate of mailing, a certified copy of the list to the chairman of each political party in his county or city.

§ 24.2-428.1. *Other procedures for assigning registered voters to inactive status.*

*In addition to the voter list maintenance program provided for in § 24.2-428, the general registrar and the registered voter shall follow the confirmation notification procedures set forth in subsections C through E of § 24.2-428, if any of the following documents sent to the registered voter are returned by the Postal Service as undeliverable:*

1. An acknowledgment of registration;
  2. An acknowledgment of transfer to a new address;
  3. An absentee ballot or application for an absentee ballot sent or provided in accordance with Chapter 7 (§ 24.2-700 et seq.);
  4. Notification to a voter after a precinct reassignment;
  5. Notification of a change of address sent to a voter in accordance with subsection B of § 24.2-428;
- or

6. Any official voter registration or election mail.

§ 24.2-428.2. *Return of registered voter to active status.*

*A registered voter shall be returned to active status from inactive status if, during the period beginning on the date the voter was assigned to inactive status and ending on the day of the second general election for federal office thereafter, the voter:*

1. Notifies the general registrar of a change of address within the county or city;
2. Responds to a confirmation notice with information that the voter continues to reside at the registration address;
3. Votes or attempts to vote in a primary or a special or general election and, if necessary, corrects the registration record; or
4. Transfers his registration to another county or city within the Commonwealth, pursuant to § 24.2-425 or subsection E of § 24.2-428.

*If the registered voter fails to take such action on or before the day of the second general election for federal office after the voter was placed on inactive status, the general registrar shall cancel the person's voter registration.*

*The general registrar shall post at the courthouse or have published in a newspaper of general circulation in his county or city a list of names of persons whose registration has been cancelled pursuant to this section. He shall deliver or mail, obtaining a certificate of mailing, a certified copy of the list to the chairman of each political party in his county or city.*

§ 24.2-429. Maintenance of accurate registration records by general registrar; notice and hearing before cancellation.

Whenever a registered voter is alleged to be improperly registered, *except for reason of removal of residence from the precinct*, either by the general registrar or by any three qualified voters of the county or city who make such an allegation to the general registrar, the registrar shall post at the courthouse or publish in a newspaper of general circulation in his county or city the name of the registered voter on a list of persons whose registrations are to be cancelled by the general registrar. The list shall be certified by the registrar and delivered or sent by mail to the county or city chairman of each political party. If sent by mail, the general registrar shall obtain a certificate of mailing. In addition to the posted or published list, the general registrar shall send a notice by mail to the last known address of each registered voter on the list, stating the reasons provided by law for the cancellation, the facts on which the cancellation is based, and when the registrar, at his office during regular office hours, will hear testimony produced for or against the right of persons named in the notice to be retained on the registration records. The hearings shall be held not less than ten days after the mailing of the notice, and in no event shall be within sixty days of the general election in November or within thirty days of any other election in the county or city.

At the hearing, the registrar shall hear the testimony produced and shall determine if the registered voter named in the notice is qualified to vote in the county or city. If the person is no longer qualified to vote, the registrar shall cancel the voter's registration. Nothing contained in this section shall prevent the registered voter from applying to the general registrar for a transfer to his proper jurisdiction, provided the registration records are not closed as provided by law. The general registrar may continue



the hearing for a period of not more than thirty days in order to complete his examination. If the registered voter so challenged fails to appear and defend his right to be registered, his registration shall be cancelled by the general registrar.

§ 24.2-431. Petition to court objecting to registration.

In addition to challenging a voter's registration before the general registrar, any three qualified voters may file with the circuit court of the county or city in which they are registered, a petition stating their objections to the registration of any person whose name is on the registration records for their county or city. *However, no petition may be filed if the only objection raised is based on removal of residence from the precinct.*

§ 24.2-444. Registration records open to public inspection.

A. *Except for records relating to the declinations to register to vote or the identity of a voter registration agency through which a particular voter is registered,* registration records shall be kept and preserved by the general registrar and shall be opened to inspection by any registered voter at the office of the general registrar when the office is open for business. The registration records shall be available for inspection by appointment, made by the general registrar for any reasonable time requested. No voter registration record containing an individual's social security number shall be made available for inspection or copying by anyone.

B. *The general registrars shall maintain for at least two years and shall make available for public inspection and copying and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records, except to the extent that the records relate to the declination to register to vote or the identity of a voter registration agency through which any particular voter is registered. The records maintained shall include lists of the names and addresses of all persons to whom notices are sent pursuant to §§ 24.2-428 and 24.2-428.1 and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.*

C. The State Board shall provide to each general registrar, for each precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name, addresses, date of birth, gender and all election districts applicable to each registered voter. New lists shall be provided not less than two times each year, and supplements containing additions, deletions and changes shall be provided not less than (i) weekly during the sixty days preceding any general election and (ii) monthly at other times. Notwithstanding any other provision of law regarding the retention of records, upon receipt of any new complete list, the general registrar shall destroy the obsolete list and its supplements.

§ 24.2-643. Qualified voter permitted to vote; entry of voter's name on pollbook; other information.

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 repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. *The officer shall ask any voter, who is subject to the requirement to vote in person pursuant to subsection B of § 24.2-416.1, to present any one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, any preprinted form of identification which shows his name and address, any preprinted form of identification which shows his name and signature, or any preprinted form of identification which shows his name and photograph.*

If the voter's name is found on the registered voter list, if he is qualified to vote in the election, and if no objection is made, an officer shall mark the voter's name on the registered voter list, an officer shall enter ~~the voter's full name on the pollbook opposite the correct number,~~ *opposite the voter's preprinted name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board,* an officer shall provide the voter with the official ballot, and another officer shall admit him to the voting booth.

*If a voter, who is subject to the requirement to vote in person pursuant to subsection B of § 24.2-416.1, is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be.*

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

C. If the current residence address stated by the voter is different from the address shown on the registered voter list, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 of this title.

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom an identification number other than a social security number is recorded on the registered voter list if he presently has a social security number and note that number on the list if the voter is able to provide it. Any social security numbers so provided shall be entered by the

general registrar in the voter's record on the voter registration system.

*§ 24.2-1002.1. Unlawful disclosure or use of social security number.*

*Any person who discloses or makes any use of the social security number of any applicant for voter registration, except as authorized by law for official use, shall be guilty of a Class 5 felony.*

**2. That an emergency exists and this act is in force on and after March 6, 1996.**