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HOUSE BILL NO. 206

Offered January 10, 1996

A BILL 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, and 24.2-444 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 and 24.2-415.1; by adding in Chapter 4 of Title 24.2 an article numbered 3.1, containing sections numbered 24.2-416.1 through 24.2-416.4; and by adding sections numbered 24.2-428.1 and 24.2-428.2; relating to the implementation of the National Voter Registration Act (42 U.S.C. § 1973gg et seq.).

Patrons—Scott, Almand, Armstrong, Barlow, Christian, Connally, Cooper, Crittenden, Croshaw, Cunningham, Darner, Deeds, Dickinson, Grayson, Hall, Heilig, Hull, Johnson, Jones, D.C., Jones, J.C., Keating, McEachin, Melvin, Moore, Moran, Phillips, Plum, Robinson, Stump, Thomas, Van Landingham, Van Yahres and Watts; Senators: Gartlan, Howell and Ticer

Referred to Committee on Privileges and Elections

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, and 24.2-444 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 and 24.2-415.1; by adding in Chapter 4 of Title 24.2 an article numbered 3.1, containing sections numbered 24.2-416.1 through 24.2-416.4; and by adding sections numbered 24.2-428.1 and 24.2-428.2 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.

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

62 "Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and
63 who is (i) eighteen years of age, (ii) a resident of the Commonwealth and of the precinct in which he
64 offers to vote, and (iii) registered to vote. No person who has been convicted of a felony shall be a
65 qualified voter unless his civil rights have been restored by the Governor or other appropriate authority.
66 No person adjudicated to be mentally incompetent shall be a qualified voter unless his competency has
67 been reestablished as provided by law.

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

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

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

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

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

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

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

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

96 § 24.2-114. Duties and powers of general registrar.

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

99 1. Maintain the office of the general registrar ~~and~~, establish and maintain additional public places for
100 voter registration in accordance with the provisions of ~~Article 4 (§ 24.2-411 et seq.) of Chapter 4 of this~~
101 ~~title, § 24.2-412~~ and participate in programs to educate the general public concerning registration and
102 encourage registration by the general public. No registrar shall actively solicit, in a selective manner,
103 any application for registration or for a ballot or offer anything of value for any such application.

104 2. Perform his duties within the county or city he was appointed to serve, except that a registrar may
105 go into a county or city in the Commonwealth contiguous to his county or city to register voters of his
106 county or city when conducting registration jointly with the registrar of the contiguous county or city.

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

109 *3a. Indicate on the registration records for each accepted mail voter registration application form*
110 *returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has*
111 *registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the*
112 *State Board so that those persons who registered by mail are identified on the registration records, lists*
113 *of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to*
114 *§ 24.2-406, and precinct registered voter lists used for the conduct of elections.*

115 4. Accept a registration application submitted ~~in person~~ by or for a resident of any other county or
116 city in the Commonwealth. Registrars shall process registration applications from residents of other
117 counties and cities in accordance with written instructions from the State Board and shall forward the
118 completed application to the registrar of the applicant's residence ~~within twenty-four hours by hand or~~
119 ~~first-class mail.~~ *The . Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's*
120 *residence shall accept recognize as timely any application submitted to any person authorized to receive*
121 *voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of*

122 registration. *The registrar of the applicant's residence shall determine the qualification of the applicant,*
 123 *and promptly notify the applicant at the address shown on the application of the acceptance or denial of*
 124 *his registration.*

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

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

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

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

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

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

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

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

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

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

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

160 § 24.2-401. Persons moving from precinct.

161 A person who is qualified to vote except for having moved his residence from one precinct to
 162 another within the Commonwealth may vote in the precinct from which he has moved in the following
 163 November general election and any intervening election unless his registration has been transferred or
 164 cancelled as provided in this chapter. *Such person may continue to vote in the precinct from which he*
 165 *has moved, for federal offices only, through the second general and intervening elections for federal*
 166 *office, provided that (i) he has moved his residence from one precinct to another in the same registrar's*
 167 *jurisdiction and the same congressional district; (ii) he has failed to respond to the notice provide in*
 168 *§ 24.2-428; (iii) his registration has not been transferred or cancelled as provided in this chapter; and*
 169 *(iv) he has affirmed orally or in writing his new address before an officer of election at the polling*
 170 *place.*

171 § 24.2-404.1. Secretary of State Board of Elections to serve as state coordinator for the
 172 administration of the National Voter Registration Act.

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

176 § 24.2-409.1. State Board to transmit information pertaining to persons convicted of a felony in
 177 federal court.

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

181 § 24.2-411.1. Offices of the Department of Motor Vehicles.

182 A. *The Department of Motor Vehicles shall provide the opportunity to register to vote to each person*

183 *who comes to an office of the Department to:*

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

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

194 *Each application form distributed under this section shall be accompanied by the following statement*
 195 *featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A*
 196 ***MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF***
 197 ***ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY.***
 198 ***VIOLATORS MAY BE SENTENCED TO UP TO TEN YEARS IN PRISON, OR UP TO 12***
 199 ***MONTHS IN JAIL AND/OR FINED UP TO \$2,500."***

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

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

213 *D. The Department of Motor Vehicles shall maintain such statistical records on the number of*
 214 *applications to register to vote as requested by the State Board.*

215 *§ 24.2-411.2. Designated state voter registration agencies.*

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

219 1. *Agencies that provide benefits under the Aid to Families with Dependent Children program;*
 220 *Special Supplemental Food Program for Women, Infants, and Children; Medicaid program; or Food*
 221 *Stamps program;*

222 2. *Armed Forces recruitment offices;*

223 3. *Agencies whose primary function is to provide public assistance;*

224 4. *Agencies whose primary function is to provide state-funded programs primarily engaged in*
 225 *providing services to persons with disabilities; and*

226 5. *The Virginia Employment Commission;*

227 *B. The Secretary of the State Board of Elections, with the assistance of the Office of Attorney*
 228 *General shall compile and maintain a list of the specific agencies covered by subdivisions A3 and A4*
 229 *which, in the legal opinion of the Attorney General, must be designated to meet the requirements of the*
 230 *National Voter Registration Act. The Secretary of the State Board of Elections shall notify each agency*
 231 *of its designation and thereafter notify any agency added to or deleted from the list.*

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

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

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

237 3. *Receipt of completed voter registration application forms.*

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

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

244 2. *Provision, as part of the voter registration application, of a form that includes:*

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

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

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

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

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

261 f. The following statement accompanying the form which features prominently in boldface capital
262 letters: "**WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON
263 THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE
264 UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO TEN
265 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500.**"

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

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

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

273 1. Seek to influence an applicant's political preference;

274 2. Display any material indicating the person's political preference or party allegiance; or

275 3. Make any statement to an applicant or take any action the purpose or effect of which is to lead
276 the applicant to believe that a decision to register or not to register has any bearing on the availability
277 of services or benefits.

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

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

285 H. Each state designated voter registration agency shall maintain such statistical records on the
286 number of applications and declinations to register to vote as requested by the State Board of Elections.
287 § 24.2-412. Other locations and times for voter registration.

288 A. ~~Opportunities~~ In addition to voter registration locations provided for in §§ 24.2-411, 24.2-411.1,
289 and 24.2-411.2, opportunities for voter registration may be provided at other agency offices, business
290 offices, other establishments and occasional sites open to the general public, and shall be provided as
291 required by this section. Voter registration shall be conducted only in public places open to the general
292 public and at preannounced hours. Assistant registrars should serve during such hours and at such
293 places. The conduct of voter registration by the general registrar or an assistant registrar in public places
294 at preannounced hours shall not be deemed solicitation of registration.

295 B. The general registrar is authorized to set within his jurisdiction ongoing locations and times for
296 registration in local or state government agency offices or in businesses or other establishments open to
297 the general public, subject to the approval of, and pursuant to an agreement with, the head of the
298 government agency, the owner or manager of the business or establishment, or the designee of either.
299 The agreement shall provide for the appointment of employees of the agency, business, or establishment
300 to serve as assistant registrars and shall be in writing and approved by the local electoral board prior to
301 implementation.

302 Employees of the agency, business, or establishment who are appointed to serve as assistant registrars
303 may be nonresidents of the jurisdiction they are appointed to serve, provided that (i) they are qualified
304 voters of the Commonwealth and (ii) they serve only at their place of employment within the
305 jurisdiction they are appointed to serve.

306 C. The general registrar or electoral board may set additional occasional sites and times for
 307 registration within the jurisdiction. A multi-family residential building not usually open to the public
 308 may be used as an occasional registration site so long as the public has free access to the site during the
 309 time for registering voters.

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

319 § 24.2-413. Accessible registration locations.

320 The office of the general registrar, and each agency, business, and establishment set for registration
 321 pursuant to §§ 24.2-411.1, 24.211.2 and 24.2-412 B shall be accessible as required by the provisions of
 322 the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and
 323 Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to
 324 public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the
 325 *Department of Motor Vehicles, state designated voter registration agencies*, local electoral boards and
 326 general registrars to assist them in complying with the requirements of the Acts.

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

330 § 24.2-415.1 *Persons authorized to receive voter registration applications.*

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

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

337 *Article 3.1.*

338 *Mail Registration.*

339 § 24.2-416.1. *Voter registration by mail.*

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

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

350 § 24.2-416.2. *Mail voter registration application forms.*

351 *Notwithstanding the provisions of § 24.2-418, the national mail voter registration application form*
 352 *promulgated by the Federal Election Commission pursuant to the National Voter Registration Act (42*
 353 *U.S.C. § 1973gg et seq.) shall be accepted for the registration of otherwise qualified voters to vote in*
 354 *federal, state, and local elections. In addition to the national form promulgated by the Federal Election*
 355 *Commission, the State Board of Elections shall design and distribute a state mail voter registration*
 356 *application form. Such state form shall include the eligibility requirements for registration as provided*
 357 *in this title and shall require each applicant to provide the information required subject to felony*
 358 *penalties for making false statements pursuant to § 24.2-1016.*

359 *Each state form shall be accompanied by the following statement featured prominently in boldface*
 360 *capital letters: "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT*
 361 *ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS*
 362 *PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO*
 363 *UP TO TEN YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO*
 364 *\$2,500."*

365 § 24.2-416.3. *Distribution of mail voter registration application forms.*

366 *The State Board of Elections shall make available to any individual or group a reasonable number*
 367 *of mail voter registration application forms.*

368 § 24.2-416.4. *Return of mail voter registration applications.*

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

375 B. *In any other case, a completed mail voter registration application shall be deemed timely if*
 376 *received by any general registrar or any person authorized to receive voter registration applications*
 377 *pursuant to § 24.2-415.1, by the deadline provided for in § 24.2-416 for closing the registration books.*

378 § 24.2-417. *Persons to be registered.*

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

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

384 § 24.2-425. *Transfer of registered voter to another county or city.*

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

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

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

397 § 24.2-426. *Voluntary cancellation of registration.*

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

401 § 24.2-427. *Cancellation of registration for persons known to be deceased or disqualified to vote.*

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

409 § 24.2-428. *Regular periodic review of registration records; notice to voters identified as having*
 410 *moved; placement on inactive status for failure to respond to notice.*

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

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

426 C. *If it appears from information provided by the postal service or by other reliable sources that a*
 427 *voter has moved to a different address not in the same county or city, the general registrar shall send to*
 428 *the last known address of the voter by forwardable mail, a notice on a form prescribed by the State*

429 Board, along with a postage prepaid and pre-addressed return card on which the voter may state his
430 current address.

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

438 E. The general registrar shall correct his registration records from the information obtained from the
439 return card. If the information indicates that the registered voter has moved to another general
440 registrar's jurisdiction within the Commonwealth, the general registrar shall transfer the registration
441 record, along with the return card to the appropriate general registrar who shall treat the request for a
442 change of address as a request for transfer and shall send a voter registration card as confirmation of
443 the transfer to the voter pursuant to § 24.2-425. If the general registrar does not receive the return card
444 provided for in subsection C of this section within thirty days after it is sent to the voter, the registered
445 voter's name shall be placed on inactive status. A registered voter's failure to receive the notice shall
446 not affect the validity of the cancellation.

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

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

454 § 24.2-428.1. Other procedures for assigning registered voters to inactive status.

455 In addition to the voter list maintenance program provided for in § 24.2-428, the general registrar
456 and the registered voter shall follow the confirmation notification procedures set forth in subsections C
457 through E of § 24.2-428, if any of the following documents sent to the registered voter is returned by
458 the postal service as undeliverable:

459 1. An acknowledgment of registration;
460 2. An acknowledgment of transfer to a new address;
461 3. An absentee ballot or application for an absentee ballot sent or provided in accordance with
462 Chapter 7 (§ 24.2-700 et seq.);

463 4. Notification to a voter after a precinct reassignment;

464 5. Notification of a change of address sent to a voter in accordance with subsection B of § 24.2-428;
465 or

466 6. Any official voter registration or election mail.

467 § 24.2-428.2. Return of registered voter to active status.

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

471 1. Notifies the general registrar of a change of address within the county or city;

472 2. Responds to a confirmation notice with information that the voter continues to reside at the
473 registration address;

474 3. Votes or attempts to vote in a primary or a special or general election and, if necessary, corrects
475 the registration record; or

476 4. Transfers his registration to another county or city within the Commonwealth, pursuant to
477 § 24.2-425 or subsection E of § 24.2-428.

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

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

485 § 24.2-429. Maintenance of accurate registration records by general registrar; notice and hearing
486 before cancellation.

487 Whenever a registered voter is alleged to be improperly registered, except for reason of removal of
488 residence from the precinct, either by the general registrar or by any three qualified voters of the county
489 or city who make such an allegation to the general registrar, the registrar shall post at the courthouse or
490 publish in a newspaper of general circulation in his county or city the name of the registered voter on a

491 list of persons whose registrations are to be cancelled by the general registrar. The list shall be certified
 492 by the registrar and delivered or sent by mail to the county or city chairman of each political party. If
 493 sent by mail, the general registrar shall obtain a certificate of mailing. In addition to the posted or
 494 published list, the general registrar shall send a notice by mail to the last known address of each
 495 registered voter on the list, stating the reasons provided by law for the cancellation, the facts on which
 496 the cancellation is based, and when the registrar, at his office during regular office hours, will hear
 497 testimony produced for or against the right of persons named in the notice to be retained on the
 498 registration records. The hearings shall be held not less than ten days after the mailing of the notice, and
 499 in no event shall be within sixty days of the general election in November or within thirty days of any
 500 other election in the county or city.

501 At the hearing, the registrar shall hear the testimony produced and shall determine if the registered
 502 voter named in the notice is qualified to vote in the county or city. If the person is no longer qualified
 503 to vote, the registrar shall cancel the voter's registration. Nothing contained in this section shall prevent
 504 the registered voter from applying to the general registrar for a transfer to his proper jurisdiction,
 505 provided the registration records are not closed as provided by law. The general registrar may continue
 506 the hearing for a period of not more than thirty days in order to complete his examination. If the
 507 registered voter so challenged fails to appear and defend his right to be registered, his registration shall
 508 be cancelled by the general registrar.

509 § 24.2-431. Petition to court objecting to registration.

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

515 § 24.2-444. Registration records open to public inspection.

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

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

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

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