

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 346

An Act to amend and reenact §§ 24.2-401, 24.2-418, and 24.2-651 of the Code of Virginia, relating to voter qualifications and to registration applications, residence requirements, voters who move, and challenged voters.

[H 2649]

Approved March 13, 1997

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-401, 24.2-418, and 24.2-651 of the Code of Virginia are amended and reenacted as follows:

§ 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~~ *In addition*, a person may continue to vote in the precinct from which he has moved, ~~for federal offices only~~, through the *ensuing* second general ~~and intervening elections~~ *election* 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.

§ 24.2-418. Application for registration.

Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name, ~~including the maiden name and any other prior legal name~~; age; gender; date ~~and~~ place of birth; social security number, if any; whether the applicant is presently a United States citizen; address ~~and place of abode and date of residence in the precinct~~; place of ~~any last~~ previous ~~registrations~~ *registration* to vote; and whether the applicant has ever been adjudicated to be mentally incompetent or convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored.

The form shall permit any active or retired law-enforcement officer, as defined in § 9-169 and in 5 U.S.C.A. § 8331 (20) but excluding officers whose duties relate to detention as defined in paragraphs (A) through (D) of § 8331 (20), to furnish, in addition to his residence street address, a post office box address for his residence to be included in lieu of his street address on the lists of registered voters and persons who voted which are furnished pursuant to §§ 24.2-405 and 24.2-406.

The form shall permit any party granted a protective order as described in §§ 16.1-253.1, 16.1-253.4, 16.1-279.1 and 18.2-60.3 to furnish, in addition to his street address, a post office box address for his residence to be included in lieu of his street address on the lists of registered voters and persons who voted which are furnished pursuant to §§ 24.2-405 and 24.2-406.

§ 24.2-651. Voter who is challenged; how challenge tried.

Any qualified voter may, and the officers of election shall, challenge the vote of any person who is listed on the precinct registered voter list but is known or suspected not to be a qualified voter.

When any person is challenged, an officer shall explain to him the qualifications of a voter and may examine him concerning his qualifications.

The officers of election are hereby authorized to administer the necessary oath or affirmation to any witness brought before them to testify as to the qualifications of any person offering to vote.

If the person being challenged insists that he is qualified and the challenge is not withdrawn, one of the officers shall give him a form containing the following statement:

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that I am a citizen of the United States, that I am at least eighteen years of age (or will be on the day of,) that I am a resident of the Commonwealth of Virginia (or that I have been a resident of this Commonwealth within the preceding thirty days and am voting only for electors of President and Vice-President of the United States), and that, according to the best of my knowledge, information and belief, I am not disqualified from voting by the Constitution and laws of this Commonwealth; that my full name is; that in such name I was duly registered as a voter of this precinct; that I am now or at some time since the last November general election have been an

actual resident of ~~the same~~ *this precinct or that I have been an actual resident of this precinct at some time since the second preceding general federal election and have been and continue to be a resident of this county or city and this congressional district*; that I am the identical person I represent myself to be; and that I have not voted in this election at this or any voting place and will not vote in this election at any other voting place."

If the person challenged refuses to sign the statement, he shall not be permitted to vote. If, however, he signs the statement, he shall be permitted to vote on the voting system in use at the precinct.

When the voter has signed the statement and is permitted to vote, the officers of election shall indicate on the pollbook, after the name of such person, that he has signed the required statement.

If the envelope containing a voted absentee ballot has been properly signed by the voter, such ballot shall not be subject to challenge pursuant to this section.