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SENATE BILL NO. 1188

Offered January 14, 2009

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A *BILL to amend and reenact §§ 24.2-101, 24.2-114, 24.2-115, 24.2-115.1, 24.2-307, 24.2-404, 24.2-418, 24.2-424, 24.2-604, and 24.2-1004 of the Code of Virginia, relating to elections; clarifications and revisions to registration and election processes; penalties.*

Patrons—Blevins and Hanger

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101, 24.2-114, 24.2-115, 24.2-115.1, 24.2-307, 24.2-404, 24.2-418, 24.2-424, 24.2-604, and 24.2-1004 of the Code of Virginia are amended and reenacted 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.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"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 10 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.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"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.

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

61 "Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and
62 who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or
63 subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers
64 to vote, and (iii) registered to vote. No person who has been convicted of a felony shall be a qualified
65 voter unless his civil rights have been restored by the Governor or other appropriate authority. No
66 person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as
67 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 applying the precinct size requirements of § 24.2-307, calculating election machine
77 requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election
78 district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306,
79 and determining the number of signatures required for candidate and voter petitions, "registered voter"
80 shall include only persons maintained on the Virginia voter registration system with active status.

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

84 "Residence" or "resident," for all purposes of qualification to register and vote, means and requires
85 both domicile and a place of abode. ~~In determining domicile, consideration may be given to a person's~~
86 ~~expressed intent, conduct, and all attendant circumstances including, but not limited to, financial~~
87 ~~independence, business pursuits, employment, income sources, residence for income tax purposes,~~
88 ~~marital status, residence of parents, spouse and children, if any, leasehold, sites of personal and real~~
89 ~~property owned by the person, motor vehicle and other personal property registration, and other factors~~
90 ~~reasonably necessary to determine the qualification of a person to register or vote. To establish domicile,~~
91 ~~a person must live in a particular locality with the intention to remain there for an unlimited time. A~~
92 ~~place of abode is the physical place where a person dwells. The State Board shall promulgate~~
93 ~~guidelines to assist general registrars with determining a person's residence.~~

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

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

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

100 § 24.2-114. Duties and powers of general registrar.

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

103 1. Maintain the office of the general registrar and establish and maintain additional public places for
104 voter registration in accordance with the provisions of § 24.2-412.

105 2. Participate in programs to educate the general public concerning registration and encourage
106 registration by the general public. No registrar shall actively solicit, in a selective manner, any
107 application for registration or for a ballot or offer anything of value for any such application.

108 3. Perform his duties within the county or city he was appointed to serve, except that a registrar may
109 (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of
110 his county or city when conducting registration jointly with the registrar of the contiguous county or city
111 or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter
112 registration offices, approved by the State Board, that are located at facilities of the Department of
113 Motor Vehicles.

114 4. Provide the appropriate forms for applications to register and to obtain the information necessary
115 to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

116 5. Indicate on the registration records for each accepted mail voter registration application form
117 returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has
118 registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the
119 State Board so that those persons who registered by mail are identified on the registration records, lists
120 of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to

121 § 24.2-406, and pollbooks used for the conduct of elections.

122 6. Accept a registration application or request for transfer or change of address submitted by or for a
123 resident of any other county or city in the Commonwealth. Registrars shall process registration
124 applications and requests for transfer or change of address from residents of other counties and cities in
125 accordance with written instructions from the State Board and shall forward the completed application or
126 request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the
127 registrar of the applicant's residence shall recognize as timely any application or request for transfer or
128 change of address submitted to any person authorized to receive voter registration applications pursuant
129 to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the
130 applicant's residence shall determine the qualification of the applicant and promptly notify the applicant
131 at the address shown on the application or request of the acceptance or denial of his registration or
132 transfer. However, notification shall not be required when the registrar does not have an address for the
133 applicant.

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

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

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

147 10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the
148 pollbooks available to the precincts, and according to the instructions of the State Board return the
149 pollbooks, or transfer a copy of the data from any electronic pollbooks, to the State Board after each
150 election for voting credit purposes.

151 11. After the return of the pollbooks by the State Board, retain the pollbooks in his principal office
152 for two years from the date of the election.

153 12. Maintain accurate and current registration records and comply with the requirements of this title
154 for the transfer, inactivation, and cancellation of voter registrations.

155 13. Whenever election districts, precincts, or polling places are altered, provide for entry into the
156 voter registration system of the proper district and precinct designations for each registered voter whose
157 districts or precinct have changed and notify each affected voter of changes affecting his districts or
158 polling place by mail *and, when the information is available to the general registrar, by e-mail or*
159 *telephone call to the affected voter's residential telephone number.*

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

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

166 16. Whenever any person is believed to be registered or voting in more than one state or territory of
167 the United States at the same time, inquire about, or provide information from the voter's registration
168 and voting records to any appropriate voter registration or other authority of another state or territory
169 who inquires about, that person's registration and voting history.

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

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

175 19. Attend, or designate one member of his staff to attend, an annual training program provided by
176 the State Board.

177 § 24.2-115. Appointment, qualifications, and term of officers of election.

178 Each electoral board at its regular meeting in the first week of February shall appoint officers of
179 election. Their terms of office shall begin on March 1 following their appointment and continue, at the
180 discretion of the electoral board, for a term not to exceed three years or until their successors are
181 appointed.

182 Not less than three competent citizens shall be appointed for each precinct and, insofar as practicable,
183 each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a
184 qualified voter of the Commonwealth. In appointing the officers of election, representation shall be
185 given to each of the two political parties having the highest and next highest number of votes in the
186 Commonwealth for Governor at the last preceding gubernatorial election. The representation of the two
187 parties shall be equal at each precinct having an equal number of officers and shall vary by no more
188 than one at each precinct having an odd number of officers. If possible, officers shall be appointed from
189 lists of nominations filed by the political parties entitled to appointments. The party shall file its
190 nominations with the secretary of the electoral board at least 10 days before February 1 each year.

191 Officers of election shall serve for all elections held in their respective precincts during their terms of
192 office unless the electoral board decides that fewer officers are needed for a particular election, in which
193 case party representation shall be maintained as provided above. For a primary election involving only
194 one political party, persons representing the political party holding the primary shall serve as the officers
195 of election if possible.

196 The electoral board shall designate one officer as the chief officer of election and one officer as the
197 assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable,
198 shall not represent the same political party as the chief officer for the precinct. *The electoral board shall*
199 *also appoint at least one officer of election who reports to the precinct one hour prior to the closing of*
200 *the precinct and whose primary responsibility is to assist with closing the precinct and reporting the*
201 *results of the votes at the precinct.*

202 The electoral board shall instruct each chief officer and assistant in his duties not less than three nor
203 more than 30 days before each election. Each electoral board may instruct each officer of election in his
204 duties at an appropriate time or times before each November general election.

205 If an officer of election is unable to serve at any election during his term of office, the electoral
206 board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

207 Additional officers ~~may~~ shall be appointed in accordance with this section at any time that the
208 electoral board determines that they are needed.

209 The secretary of the electoral board shall prepare a list of the officers of election that shall be
210 available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever
211 substitute or additional officers are appointed, the secretary shall promptly add the names of the
212 appointees to the public list.

213 § 24.2-115.1. Officers of election; hours of service.

214 The electoral board ~~may~~ shall provide that the officers of election for ~~one or more precincts may~~
215 *every precinct shall* be assigned to work all or a portion of the time that the precinct is open on election
216 day. *The officer of election assisting with the closing of the precinct and reporting the results of the*
217 *votes at the precinct shall be required to report to the precinct one hour prior to the closing of the*
218 *precinct.* However, the chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to
219 represent the two political parties, shall be on duty at all times.

220 § 24.2-307. Requirements for county and city precincts.

221 The governing body of each county and city shall establish by ordinance as many precincts as it
222 deems necessary. Each governing body is authorized to increase or decrease the number of precincts and
223 alter precinct boundaries subject to the requirements of this chapter.

224 At the time any precinct is established, it shall have no more than ~~5,000~~ 3,500 registered voters. The
225 general registrar shall notify the governing body whenever the number of voters who voted in a precinct
226 in an election for President of the United States exceeds ~~4,000~~ 3,000. Within six months of receiving the
227 notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or
228 redrawn precinct shall have no more than ~~5,000~~ 3,500 registered voters.

229 At the time any precinct is established, each precinct in a county shall have no fewer than 100
230 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

231 Each precinct shall be wholly contained within any election district used for the election of one or
232 more members of the governing body or school board for the county or city.

233 The governing body shall establish by ordinance one polling place for each precinct.

234 § 24.2-404. Duties of State Board.

235 A. The State Board shall provide for the continuing operation and maintenance of a central
236 record-keeping system, the Virginia Voter Registration System, for all voters registered in the
237 Commonwealth.

238 In order to operate and maintain the system, the Board shall:

- 239 1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
- 240 2. Require the general registrars to enter the names of all registered voters into the system and to
241 change or correct registration records as necessary.
- 242 3. Provide to each general registrar, voter registration cards for newly registered voters and for notice
243 to registered voters on the system of changes and corrections in their registration records and polling

244 places.

245 4. Require the general registrars to delete from the record of registered voters the name of any voter
246 who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to
247 removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated,
248 (v) is known not to be a United States citizen by reason of reports from the Department of Motor
249 Vehicles pursuant to § 24.2-410.1, or (vi) is otherwise no longer qualified to vote as may be provided
250 by law.

251 5. Retain on the system for four years a separate record for registered voters whose names have been
252 deleted, with the reason for deletion.

253 6. Retain on the system permanently a separate record for information received regarding deaths,
254 felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

255 7. Provide to each general registrar, at least 10 days prior to a general or primary election and three
256 days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of
257 a precinct in which the election is being held in the county, city, or town. These precinct lists shall be
258 used as the official lists of qualified voters and shall constitute the pollbooks. The State Board shall
259 provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the
260 efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the
261 State Board shall provide any general registrar, upon his request, with a separate electronic list of all
262 registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or
263 electronic voter registration inquiry devices are used in precincts in the locality, the State Board shall
264 provide a regional or statewide list of registered voters to the general registrar of the locality. The State
265 Board shall determine whether regional or statewide data is provided. Neither the pollbook nor the
266 regional or statewide list of registered voters shall include the day and month of birth of the voter, but
267 shall include the voter's year of birth.

268 8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.

269 9. Use any source of information that may assist in carrying out the purposes of this section. All
270 agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging
271 identification information for the purpose of maintaining the voter registration system.

272 10. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts
273 and polling places, statements of election results by precinct, and any other items required of the State
274 Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing
275 expenses.

276 B. The State Board shall be authorized to provide for the production, distribution, and receipt of
277 information and lists through the Virginia Voter Registration System by any appropriate means
278 including, but not limited to, paper and electronic means.

279 C. The State Board shall institute procedures to ensure that each requirement of this section is
280 fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail
281 notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is
282 cancelled.

283 D. *The State Board shall promulgate guidelines to assist general registrars with determining a*
284 *person's residence.*

285 § 24.2-418. Application for registration.

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

290 The form of the application to register shall require the applicant to provide the following
291 information: full name; gender; date of birth; social security number, if any; whether the applicant is
292 presently a United States citizen; address of residence in the precinct; place of last previous registration
293 to vote; and whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and
294 if so, under what circumstances the applicant's right to vote has been restored. *The form shall contain a*
295 *statement that whoever votes more than once in any election in the same or different jurisdictions shall*
296 *be guilty of a Class 6 felony.*

297 The form shall permit any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5
298 U.S.C. § 8331(20) but excluding officers whose duties relate to detention as defined in paragraphs (A)
299 through (D) of § 8331(20), to furnish, in addition to his residence street address, a post office box
300 address located within the Commonwealth to be included in lieu of his street address on the lists of
301 registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, or
302 on voter registration records made available for public inspection pursuant to § 24.2-444. *The post office*
303 *box address shall be maintained as a current post office box address and not be permitted to expire.*

304 The form shall permit any party granted a protective order issued by or under the authority of any

305 court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia, to
306 furnish, in addition to his street address, a post office box address located within the Commonwealth to
307 be included in lieu of his street address on the lists of registered voters and persons who voted, which
308 are furnished pursuant to §§ 24.2-405 and 24.2-406, or on voter registration records made available for
309 public inspection pursuant to § 24.2-444. *The post office box address shall be maintained as a current*
310 *post office box address and not be permitted to expire.*

311 The form shall permit any party, who has furnished a signed written statement by the party that he is
312 in fear for his personal safety from another person who has threatened or stalked him accompanied by
313 evidence that he has filed a complaint with a magistrate or law-enforcement official against such other
314 person, to furnish, in addition to his street address, a post office box address located within the
315 Commonwealth to be included in lieu of his street address on the lists of registered voters and persons
316 who voted, that are furnished pursuant to §§ 24.2-405 and 24.2-406, or on voter registration records
317 made available for public inspection pursuant to § 24.2-444. *The post office box address shall be*
318 *maintained as a current post office box address and not be permitted to expire.*

319 § 24.2-424. Change of registered voter's address within the Commonwealth; pilot project.

320 A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall
321 promptly notify any general registrar of the address of his new residence. Such notice may be made in
322 person, in writing, by return of the voter registration card noting the new address, or on a form
323 approved by the State Board of Elections, which may be electronic. The notice in writing may be
324 provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign,
325 in which case his own mark acknowledged by a witness shall be sufficient signature. The State Board is
326 authorized to conduct a pilot program, under which electronic notice may be provided by electronic mail
327 or such other electronic means as may be permitted by the State Board and signed by the voter in a
328 manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a
329 voter provides an address on a candidate or referendum petition that differs from the address for the
330 voter on the voter registration system shall not be deemed sufficient notice, in and of itself, to change
331 the voter's registration address. Any statements made by any voter applying for transfer are subject to
332 felony penalties for making a false statement pursuant to § 24.2-1016.

333 B. If the voter has moved within the same county or city, on receipt of the notification, the general
334 registrar for that county or city shall (i) enter the new address on the registration record; (ii) if satisfied
335 that the registered voter has moved into another precinct within the same county or city, transfer the
336 registration of the voter to that precinct; ~~and~~ (iii) issue the voter a new voter registration card; *and (iv)*
337 *notify the voter of his new district and polling place by mail and, when the information is available to*
338 *the general registrar, by e-mail or telephone call to the affected voter's residential telephone number.*
339 This transfer may be entered in the registration records at any time the registration records are not
340 closed pursuant to § 24.2-416.

341 C. Any request for transfer or change of address within the Commonwealth delivered to any registrar
342 shall be forwarded to the general registrar for the city or county in the Commonwealth where the voter
343 now resides. When forwarding said notice, or upon request from the registrar for the county or city
344 where the voter now resides, the registrar for the county or city where the voter formerly resided shall
345 forward the original application for registration to the registrar for the voter's new locality.

346 D. Upon receipt of the voter's original registration application, and notice as specified in subsection
347 A of this section indicating the voter's current residence, the registrar for the county or city in which the
348 voter currently resides shall: (i) enter the new address on the registration record; (ii) if satisfied that the
349 registered voter has moved into a precinct within that county or city, transfer the registration of the
350 voter to that precinct; (iii) issue the voter a new voter registration card; ~~and~~ (iv) *notify the voter of his*
351 *new district and polling place by mail and, when the information is available to the general registrar,*
352 *by e-mail or telephone call to the affected voter's residential telephone number; and (v) through the*
353 *Virginia voter registration system, notify the registrar of the locality where the voter formerly resided*
354 *that the registration has been transferred. This transfer may be entered in the registration records at any*
355 *time the registration records are not closed pursuant to § 24.2-416.*

356 E. If the original registration application is no longer available to the registrar in the city or county
357 where the voter formerly resided, either of the following shall be sent to and accepted by the registrar in
358 the city or county where the voter now resides in lieu of such application: (i) an unsigned voter card (or
359 "conversion card") used as the voter record upon the creation of the statewide voter registration system
360 or (ii) a replacement record provided by the State Board to replace damaged files in the registrar's
361 office. If no other record is available, then the registrar of the voter's former locality shall provide
362 written notification to the registrar of the locality in which the voter now resides that none of the
363 required documents are available. In this instance only, the registrar of the locality in which the voter
364 now resides shall copy the voter's record from the Virginia voter registration system and use that record
365 in lieu of the original voter registration application. Any complete voter registration application on a
366 form previously authorized for use in Virginia shall be valid for the purposes of continuing or

367 transferring a voter's registration within the Commonwealth.

368 § 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering; presence of
369 representatives of parties or candidates; simulated elections; neutral observers; news media; penalties.

370 A. During the times the polls are open and ballots are being counted, it shall be unlawful for any
371 person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such
372 distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to
373 solicit or in any manner attempt to influence any person in casting his vote; or (iii) to hinder or delay a
374 qualified voter in entering or leaving a polling place.

375 B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any
376 entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch type. The
377 notices shall also state the provisions of this section in not less than 24-point type. The officers of
378 election shall post the notices within the prohibited area to be visible to voters and the public.

379 C. The officers of election shall permit one authorized representative of each political party or
380 independent candidate in a general or special election, or one authorized representative of each candidate
381 in a primary election, to remain in the room in which the election is being conducted. The officers of
382 election shall have discretion to permit up to three authorized representatives of each political party or
383 independent candidate in a general or special election, or up to three authorized representatives of each
384 candidate in a primary election, to remain in the room in which the election is being conducted. If the
385 pollbook is divided into sections, the officers shall permit one such representative for each section, but
386 no more than three representatives of any political party or independent candidate shall be permitted in
387 the room at any one time. Each authorized representative shall be a qualified voter of the county or city
388 within which the polling place is located. Each representative shall present to the officers of election a
389 written statement designating him to be a representative of the party or candidate and signed by the
390 county or city chairman of his political party, the independent candidate, or the primary candidate, as
391 appropriate. Such statement, bearing the chairman's or candidate's original signature, may be
392 photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate whose
393 name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this
394 section.

395 D. It shall be unlawful for any authorized representative, voter, or any other person in the room to (i)
396 hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign
397 material to any person; (iii) *actively or overtly* solicit or in any manner attempt to influence any person
398 in casting his vote *for a particular candidate or issue*; (iv) hinder or delay any officer of election; or (v)
399 otherwise impede the orderly conduct of the election. *However, it shall not be unlawful for a qualified*
400 *voter to enter and be in the polling place for the purpose of casting a ballot while wearing clothing,*
401 *buttons, or stickers bearing a candidate name or other political message so long as he makes no active*
402 *or overt attempt to influence any other voter.*

403 E. The officers of election may require any person who is found by a majority of the officers present
404 to be in violation of this section to remain outside of the prohibited area. Any person violating
405 subsection A or D of this section shall be guilty of a Class 1 misdemeanor.

406 F. This section shall not be construed to prohibit a candidate from entering any polling place on the
407 day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place
408 per election day, provided that he complies with the restrictions stated in subsections A and D of this
409 section.

410 G. This section shall not be construed to prohibit a minor from entering a polling place on the day
411 of the election to vote in a simulated election at that polling place, provided that the local electoral
412 board has determined that such polling place can accommodate simulated election activities without
413 interference or substantial delay in the orderly conduct of the official voting process. Persons supervising
414 or working in a simulated election in which minors vote may remain within such polling place. The
415 local electoral board and the chief officer for the polling place shall exercise authority over, but shall
416 have no responsibility for the administration of, simulated election related activities at the polling place.

417 H. A local electoral board, and its general registrar, may conduct a special election day program for
418 high school students, selected by the electoral board in cooperation with high school authorities, in one
419 or more polling places designated by the electoral board, other than a central absentee voter precinct.
420 The program shall be designed to stimulate the students' interest in elections and registering to vote,
421 provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled
422 voters from the polling place. Each student shall take and sign an oath as an election page, serve under
423 the direct supervision of the chief officer of election of his assigned polling place, and observe strict
424 impartiality at all times. Election pages may observe the electoral process and seek information from the
425 chief officer of election, but shall not handle or touch ballots, voting machines, or any other official
426 election materials, or enter any voting booth.

427 I. A local electoral board may authorize in writing the presence of additional neutral observers as it

428 deems appropriate, except as otherwise prohibited or limited by this section. Such observers shall
429 comply with the restrictions in subsections A and D of this section.

430 J. The officers of election shall permit representatives of the news media to visit and film or
431 photograph inside the polling place for a reasonable and limited period of time while the polls are open.
432 However, the media (i) shall comply with the restrictions in subsections A and D of this section; (ii)
433 shall not film or photograph any person who specifically asks the media representative at that time that
434 he not be filmed or photographed; (iii) shall not film or photograph the voter or the ballot in such a way
435 that divulges how any individual voter is voting; and (iv) shall not film or photograph the voter list or
436 any other voter record or material at the precinct in such a way that it divulges the name or other
437 information concerning any individual voter. Any interviews with voters, candidates or other persons,
438 live broadcasts, or taping of reporters' remarks, shall be conducted outside of the polling place and the
439 prohibited area. The officers of election may require any person who is found by a majority of the
440 officers present to be in violation of this subsection to leave the polling place and the prohibited area.

441 § 24.2-1004. Illegal voting and registrations.

442 A. Any person who ~~(i) votes knowing that he is not qualified to vote where and when the vote is to~~
443 ~~be given, (ii) procures, assists, or induces another to vote, knowing that such person is not qualified to~~
444 ~~vote where and when the vote is to be given, or (iii) wrongfully deposits a ballot in the ballot container~~
445 ~~or casts a vote on any voting equipment, is guilty of a Class 1 misdemeanor.~~

446 B. Any person who intentionally (i) votes more than once in the same election, whether those votes
447 are cast in Virginia or in Virginia and any other state or territory of the United States, ~~or~~ (ii) procures,
448 assists, or induces another to vote more than once in the same election, whether those votes are cast in
449 Virginia or in Virginia and any other state or territory of the United States, *(iii) votes knowing that he is*
450 *not qualified to vote where and when the vote is to be given, or (iv) procures, assists, or induces*
451 *another to vote knowing that such person is not qualified to vote where and when the vote is to be*
452 *given is guilty of a Class 6 felony.*

453 C. Any person who intentionally (i) registers to vote at more than one residence address at the same
454 time, whether such registrations are in Virginia or in Virginia and any other state or territory of the
455 United States, or (ii) procures, assists, or induces another to register to vote at more than one address at
456 the same time, whether such registrations are in Virginia or in Virginia and any other state or territory
457 of the United States, is guilty of a Class 6 felony. This subsection shall not apply to any person who,
458 when registering to vote, changing the address at which he is registered, transferring his registration, or
459 assisting another in registering, changing his address, or transferring his registration, provides the
460 information required by § 24.2-418 on the applicant's place of last previous registration to vote.

461 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
462 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
463 **be determined for periods of imprisonment in state adult correctional facilities and is \$0 for**
464 **periods of commitment to the custody of the Department of Juvenile Justice.**

465 **3. That the provisions of this act shall take effect in due course except that the amendments to**
466 **§ 24.2-307 of the Code of Virginia shall become effective on July 1, 2011.**