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SENATE BILL NO. 1008

Offered January 9, 2013

Prefiled January 8, 2013

A BILL to amend and reenact §§ 24.2-416.3, 24.2-416.6, 24.2-418, and 24.2-1002.01 of the Code of Virginia, relating to voter registration; activities by third parties.

Patron—Stanley

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-416.3, 24.2-416.6, 24.2-418, and 24.2-1002.01 of the Code of Virginia are amended and reenacted as follows:

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

A. The Subject to the conditions set forth in § 24.2-416.6, the State Board of Elections shall make available to any individual or group a reasonable number of mail voter registration application forms.

B. The State Board shall provide a reasonable number of mail voter registration application forms to each agent of the Department of Game and Inland Fisheries authorized to sell hunting or fishing licenses in Virginia. The Department of Game and Inland Fisheries shall assist the State Board by providing a list of its agents appointed to sell hunting and fishing licenses in Virginia and by instructing its agents to make the mail voter registration application forms available to persons purchasing hunting or fishing licenses.

§ 24.2-416.6. Registration by and instructions for voter registration drives.

Whenever the State Board, local electoral board, or general registrar's office furnishes individuals or groups multiple copies of the voter registration application, it shall provide accompanying instructions that contain a copy and explanation of § 24.2-1002.01 and the penalty for destruction of, or failure to mail or deliver, voter registration applications that have been signed. Any like instructions furnished to the public by whatever means shall contain a copy and explanation of § 24.2-1002.01 and the penalty for destruction of, or failure to mail or deliver, voter registration applications. Such individuals or groups shall be required to register with and provide to the State Board, local electoral board, or general registrar's office such information as required by the State Board. Such individuals or agents representing a group shall be required to receive training as approved by the State Board and sign a sworn affidavit on a form prescribed by the State Board attesting that such individuals or organizations will abide by all Virginia laws and rules regarding the registration of voters.

§ 24.2-418. Application for registration.

A. 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; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions shall be guilty of a Class 6 felony. Unless directed by the applicant, the registration application shall not be pre-populated with information the applicant is required to provide.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth 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, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his

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59 personal safety from another person who has threatened or stalked him, accompanied by evidence that
60 he has filed a complaint with a magistrate or law-enforcement official against such other person;

61 4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2; and

62 5. Any active or retired federal or Virginia justice or judge and any active or retired attorney
63 employed by the United States Attorney General or Virginia Attorney General.

64 C. If the applicant formerly resided in another state, the portion of the application to register listing
65 an applicant's place of last previous registration to vote, or a copy thereof, shall be retained by the
66 general registrar for the city or county where the applicant resides, and the general registrar shall send
67 the original or a copy to the appropriate voter registration official or other authority of another state
68 where the applicant formerly resided.

69 **§ 24.2-1002.01. Destruction of, or failure to mail or deliver, voter registration application;**
70 **penalty.**

71 If any person (i) agrees to mail or deliver a signed voter registration application to the voter registrar
72 or other appropriate person authorized to receive the application and (ii) intentionally interferes with the
73 applicant's effort to register either by destroying the application or by failing to mail or deliver the
74 application in a timely manner, he shall be guilty of a Class 1 misdemeanor. The mailing or delivery of
75 an application shall be deemed timely for the purposes of this section if it is mailed or delivered within
76 15 10 days of the applicant's signature or in accordance with the provisions of § 24.2-416.4 for
77 processing before the closing of the registration records for the pending election whichever comes first.
78 This section shall not apply to any state or local government employee acting in his official capacity. If
79 any person intentionally solicits multiple registrations from any one person or intentionally falsifies a
80 registration application, he shall be guilty of a Class 5 felony.