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SENATE BILL NO. 74

Offered January 8, 2020

Prefiled November 25, 2019

A *BILL to amend the Code of Virginia by adding in Article 4 of Chapter 4 of Title 24.2 a section numbered 24.2-425.1, relating to election day voter registration; pilot program.*

Patrons—Deeds; Delegate: Carter

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 4 of Title 24.2 a section numbered 24.2-425.1 as follows:

§ 24.2-425.1. Election day voter registration; pilot program.

A. *The State Board shall develop an election day voter registration pilot program (the pilot program) in order to study the advisability of implementing election day voter registration in the Commonwealth.*

Any county or city may apply to participate in the pilot program by submitting an application to the State Board. The application shall be signed by each member of the electoral board and the general registrar for that locality.

Any county or city approved by the State Board for participation in the pilot program shall offer election day voter registration at every election held in the locality while the locality is a participant in the pilot program.

B. *In a county or city participating in the pilot program, a person who (i) offers to vote on election day but is not a registered voter, (ii) provides one of the forms of identification specified in subsection B of § 24.2-643, and (iii) provides proof of his residency, in a form specified by the State Board for this purpose, in the precinct in which he offers to vote, shall be permitted to register to vote and to cast a ballot in accordance with the following procedures.*

1. Such person shall be given a printed ballot and shall provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on an envelope supplied by the Department of Elections, the information required on the envelope, including full name; gender; date of birth; social security number, if any; whether he is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether he has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony and, if so, whether his right to vote has been restored.

2. In the presence of an officer of election, but in a secret manner, such person shall mark the printed ballot and seal it in the envelope.

3. The envelope containing the ballot shall then promptly be placed in the ballot container by an officer of election, and an officer of election shall enter the person in the pollbook in accordance with the instructions of the State Board.

C. *The ballots submitted pursuant to subsection B, in their unopened envelopes, shall be sealed in a special envelope marked "Election Day Registrations," inscribed with the number of envelopes contained therein, and signed by the officers of election who counted them. All election day registration envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.*

D. *During its meeting following the election to determine the validity of provisional votes, the electoral board shall also determine the eligibility of each person having submitted a ballot and registration pursuant to this section. If the electoral board determines that such person is (i) entitled to register to vote and (ii) a qualified voter of the precinct in which he offered to vote but for not being registered to vote, such person's ballot shall be counted in accordance with the procedures set by the State Board for the counting of such ballots. The general registrar shall use the information provided by a voter pursuant to subdivision B 1 on the envelope containing his ballot to register such person in the manner provided by law.*

E. *The electoral board of any county or city participating in the pilot program shall provide information on the implementation of the program in the locality, including the number of ballots cast by persons who registered on election day, to the State Board by December 1 of each year of its participation. The State Board shall provide guidance on the information to be provided and the form in which it is to be provided.*

2. That the provisions of this act shall expire on December 31, 2022.

3. That the State Board of Elections, on or before the first day of the 2023 Session of the General

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59 Assembly, shall submit a report to the Governor, the General Assembly, and the House and
60 Senate Committees on Privileges and Elections on the implementation of the election day voter
61 registration pilot program in participating localities. The report shall include a recommendation to
62 the General Assembly regarding whether to implement statewide election day voter registration on
63 a permanent, statewide basis. If making a recommendation to implement statewide election day
64 voter registration on a permanent, statewide basis, the report shall also include recommendations
65 for implementing legislation.