

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act 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, 24.2-426, 24.2-427, 24.2-428, 24.2-429, 24.2-431, and 24.2-444 of the Code of Virginia; to amend the Code of Virginia by adding in Title 24.2 an article numbered 3.1, containing sections numbered 24.2-416.1 through 24.2-416.4; and to amend the Code of Virginia by adding sections numbered 24.2-405.1, 24.2-409.1, 24.2-411.1, 24.2-411.2, 24.2-415.1, 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.).

[H 2327]

Approved

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, 24.2-426, 24.2-427, 24.2-428, 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 in 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 24.2-405.1, 24.2-409.1, 24.2-411.1, 24.2-411.2, 24.2-415.1, 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.

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

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) eighteen years of age, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) registered to vote. No person who has been convicted of a felony shall be a

57 qualified voter unless his civil rights have been restored by the Governor or other appropriate authority.
 58 No person adjudicated to be mentally incompetent shall be a qualified voter unless his competency has
 59 been reestablished as provided by law.

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

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

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

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

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

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

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

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

88 § 24.2-114. Duties and powers of general registrar.

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

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

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

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

101 3a. *Indicate on the registration records for each accepted mail voter registration application form*
 102 *returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 of this title that the*
 103 *registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the*
 104 *instructions of the State Board so that those persons who registered by mail are identified on the*
 105 *registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who*
 106 *voted furnished pursuant to § 24.2-406, and precinct registered voter lists used for the conduct of*
 107 *elections.*

108 4. Accept a registration application submitted ~~in person~~ by or for a resident of any other county or
 109 city in the Commonwealth. Registrars shall process registration applications from residents of other
 110 counties and cities in accordance with written instructions from the State Board and shall forward the
 111 completed application to the registrar of the applicant's residence ~~within twenty-four hours by hand or~~
 112 ~~first-class mail.~~ Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence
 113 shall ~~accept~~ recognize as timely any application submitted to any person authorized to receive voter
 114 registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.) of this title, prior to or on the final
 115 day of registration. The registrar of the applicant's residence shall determine the qualification of the
 116 applicant, and promptly notify the applicant at the address shown on the application of the acceptance or
 117 denial of his registration.

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

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

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

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

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

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

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

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

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

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

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

§ 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 person may continue to vote in the precinct from which he has moved, for federal offices only, through the second general and intervening elections 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 provide 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.*

§ 24.2-405.1. *Secretary of State Board of Elections to serve as state coordinator for the administration of the National Voter Registration Act.*

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

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

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

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

A. The Department of Motor Vehicles shall provide the opportunity to register to vote to each person who comes to an office of the Department to:

- 1. Apply for, replace, or renew a driver's license;*
- 2. Apply for, replace, or renew a special identification card; or*

3. Change an address on existing driver's license or special identification card.

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

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

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

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

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

§ 24.2-411.2. Designated state voter registration agencies.

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

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

2. Armed Forces recruitment offices;

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

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

5. The Virginia Employment Commission.

B. The Secretary of the State Board of Elections, with the assistance of the Office of Attorney General shall compile and maintain a list of the specific agencies covered by subdivisions 3 and 4 of subsection A, which, in the legal opinion of the Attorney General, must be designated to meet the requirements of the National Voter Registration Act (42 U.S.C. § 1973gg et seq.). The Secretary of the State Board of Elections shall notify these agencies prior to October 1, 1995, of their designation and thereafter notify any agency added to or deleted from the list.

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

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

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

3. Receipt of completed voter registration application forms.

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

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

2. Provide, as part of the voter registration application, a form that includes:

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

b. If the agency provides public assistance, the statement, "Applying to register or declining to

register to vote will not affect the amount of assistance that you will be provided by this agency.";

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

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

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

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

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

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

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

1. Seek to influence an applicant's political preference;
2. Display any material indicating the person's political preference or party allegiance; or
3. Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

Any person who is aggrieved by a violation of this subsection may provide written notice of the violation to the State Board of Elections. The Board shall be authorized to cooperate with the agency to resolve the alleged violation. Nothing contained in this subsection shall prohibit an aggrieved person from filing a complaint in accordance with § 24.2-1019 against a person who commits any election law offense enumerated in Chapter 10 of this title, except for violations provided for in § 24.2-1017.

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

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

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

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

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

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

time for registering voters.

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

§ 24.2-413. Accessible registration locations.

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

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

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

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

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

Article 3.1.

Mail Registration.

§ 24.2-416.1. Voter registration by mail.

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

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

§ 24.2-416.2. Mail Voter Registration Application Forms.

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

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

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

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

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

A. Notwithstanding the provisions of § 24.2-416, a mail voter registration application returned

through the United States Postal Service shall be deemed to have been made as of the date of the postmark affixed to such application by the United States Postal Service. If no such postmark is affixed or if the postmark affixed by the United States Postal Service is illegible or bears no date, such application shall be deemed to have been timely if received through the United States mail no later than five days following the time for the closing of the registration books pursuant to § 24.2-416.

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

§ 24.2-417. Persons to be registered.

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

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

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

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

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

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

§ 24.2-426. Voluntary cancellation of registration.

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

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

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

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

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

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

C. If it appears from information provided by the postal service or by other reliable sources that a voter has moved to a different address not in the same county or city, the general registrar shall send to the last known address of the voter by forwardable mail, a notice on a form prescribed by the State Board, along with a postage prepaid and pre-addressed return card on which the voter may state his current address.

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

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

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

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

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

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

1. An acknowledgment of registration;
2. An acknowledgment of transfer to a new address;
3. An absentee ballot or application for an absentee ballot sent or provided in accordance with Chapter 7 of this title;
4. Notification to a voter after a precinct reassignment;
5. Notification of a change of address sent to a voter in accordance with subsection B of § 24.2-428;

or

6. Any official voter registration or election mail.

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

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

1. Notifies the general registrar of a change of address within the county or city;
2. Responds to a confirmation notice with information that the voter continues to reside at the registration address;
3. Votes or attempts to vote in a primary or a special or general election and, if necessary, corrects the registration record; or

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

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

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

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

Whenever a registered voter is alleged to be improperly registered, except for reason of removal of residence from the precinct, either by the general registrar or by any three qualified voters of the county or city who make such an allegation to the general registrar, the registrar shall post at the courthouse or publish in a newspaper of general circulation in his county or city the name of the registered voter on a list of persons whose registrations are to be cancelled by the general registrar. The list shall be certified

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

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

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

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

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

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

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

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

2. That, except as provided in the third enactment of this act, the provisions of this act shall become effective on January 1, 1996, except to the extent provided pursuant to the following three provisions:

A. an enactment of the Congress of the United States becomes effective before January 1, 1996, which repeals or suspends the National Voter Registration Act of 1993, in whole or in part, in which case those provisions of this act which implement the provisions of the National Voter Registration Act that are repealed or suspended by the Congress shall not take effect; or

B. an enactment of the Congress of the United States becomes effective before January 1, 1996, which amends the National Voter Registration Act of 1993 to provide for a date later than January 1, 1996, for the required implementation of the Act, in whole or in part, in Virginia, in which case those provisions of this act which implement the provisions of the National Voter Registration Act of 1993 for which implementation is delayed shall not take effect until the later implementation date set by the enactment of the Congress; or

C. the Governor, or his designated representative, has filed suit on behalf of the Commonwealth, in a court of competent jurisdiction and obtained an injunction or stay, effective on or before January 1,

545 1996, which delays the implementation of the National Voter Registration Act of 1993 in the
546 Commonwealth, in which case the provisions of this act, shall not become effective while the injunction
547 or stay remains in effect and during the timely application for the continuation or reinstatement of the
548 injunction pending an appeal by the Commonwealth.
549 **3. That the provisions contained in Article 3.1 (§ 24.2-416.1 et seq.) and subsection B of**
550 **§ 24.2-411.2 of this act shall become effective on July 1, 1995. Furthermore, the agencies of the**
551 **Commonwealth shall be authorized to take appropriate actions beginning July 1, 1995, to prepare**
552 **for the implementation of this act upon its effective date.**