

**HB 569**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

*A BILL to amend and reenact §§ 24.2-404, 24.2-418, 24.2-643 and 46.2-208.1 to amend the Code of Virginia by adding a section numbered 24.2-623.1, relating to elections; identification required to register to vote and to vote at the polls; and electronic transfer of information in the Department of Motor Vehicles records for voter registration purposes.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-418, 24.2-643 and 46.2-208.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-623.1 as follows:

§ 24.2-404. Duties of State Board.

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

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

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.
3. Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places.
4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Board. The Board shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.
5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.
6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.
7. Provide to each general registrar, at least 10 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The State Board shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the State Board shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter

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registration inquiry devices are used in precincts in the locality, the State Board shall provide a regional or statewide list of registered voters to the general registrar of the locality. The State Board shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.

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

9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The State Board may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.

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

11. Require the general registrars to enter into an agreement with the Department of Motor Vehicles for the purpose of accessing customer records held in the office of the Department to ascertain the documents presented and accepted to prove legal presence at the time of license or identification card issuance that would also prove citizenship, and to view Department of Motor Vehicles customer images and signatures in order to ascertain the identity of a voter at the polling place.

12. Require the State Board of Elections to enter into an agreement with the Department of Motor Vehicles and an agreement with the Department's credentials vendor for the purpose of electronically requesting and receiving a customer's image, digitized signature and other information stored in his record in the office of the Department necessary for the purpose of producing a registered voter photo identification card.

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

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

D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.

§ 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.

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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, accompanied by proof of citizenship; 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.

For the purposes of this section, proof of citizenship shall be provided by any document that is accepted as proving legal presence which would also prove citizenship under the provisions of § 46.2-328.1.

The general registrar shall reject any application for registration that is not accompanied by one of the proofs of citizenship enumerated in § 46.2-328.1 or by an indicator recorded on the applicant's record in the office of the Department of Motor Vehicles which identifies the type of document presented and accepted at the time of license or identification card issuance to prove legal presence and which would also prove citizenship.

Any person who is registered in the Commonwealth on July 1, 2012, shall be deemed to have provided satisfactory proof of citizenship and shall not be required to submit proof of citizenship so long as the person remains registered in the Commonwealth. Such privilege shall not be construed to affirm, deny, change, alter, or otherwise modify any determination of law as to whether a person is lawfully registered to vote in the Commonwealth. Proof of a person's voter registration in another state shall not constitute proof of citizenship for the purposes of this section. After a person has submitted proof of citizenship, the general registrar shall indicate this information on the person's voter registration record. The general registrar shall retain documents submitted as proof of citizenship for at least one year and may then destroy such documents.

A voter registration card shall not be deemed proof of citizenship for purposes other than voter registration.

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

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

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

§ 24.2-623.1. Notice of voting qualifications to be posted at polling places.

The governing body of each county and city shall provide notice of the constitutional qualifications to vote and the penalties for voting in violation of the constitutional requirements in all polling places for all elections. These notices shall be printed with the heading "ILLEGAL VOTING" in two-inch type with the following text in at least 24-point type:

"In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a citizen of the United States, shall be 18 years of age, shall fulfill the residence requirements set forth in this section, and shall be registered to vote pursuant to this article. No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority. As prescribed by law, no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished. Article II, Section 1, Constitution of Virginia."

"Under §§ 18.2-11 and 24.2-1004 of the Code of Virginia, it is a Class 1 misdemeanor to vote knowing that you are not qualified to vote, punishable by 'confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.'"

The governing body shall provide for the notices to be posted in at least the two most commonly spoken languages in the locality and may provide for notices in additional languages. The determination of the governing body as to the languages in which to post the notices shall be determinative and not subject to review.

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present ~~any one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business~~ proof of identification. "Proof of identification" means a document that satisfies all of the following:

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1. The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.

2. The document shows a photograph of the individual to whom the document was issued.

3. The document includes an expiration date, and the document:

a. Is not expired; or

b. Expired after the date of the most recent general election.

4. The document was issued by the United States or the Commonwealth.

Proof of identification may also mean that the registrar or electoral official has examined the individual's image and signature in the individual's customer record at the office of the Department of Motor Vehicles and has ascertained that the individual has been issued a Virginia driver's license or identification card and is satisfied that the individual's record, image, and signature provide sufficient proof of identity.

If the voter's name is found on the pollbook, if he presents ~~one of the forms~~ proof of identification ~~listed above~~, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

Except as provided in subsection E ~~of this section~~, if a voter is entitled to vote except that he is unable to present ~~one of the forms~~ proof of identification ~~listed above~~, he shall be ~~allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be~~ offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

A voter who requires assistance in voting by reason of physical disability or inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided

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for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.) ~~of this title.~~

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

E. For federal elections held after January 1, 2004, this subsection shall apply in the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state. At such election, such voter shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B ~~of this section~~, nor the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The State Board ~~of Elections~~ shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

§ 46.2-208.1. Electronic transfer of information in Department records for voter registration purposes.

A. Notwithstanding the provisions of § 46.2-208, the Commissioner shall provide for the electronic transfer of information from the Department's records to the State Board of Elections and the general registrars for the purpose of voter registration as required by Chapter 4 of Title 24.2, including but not limited to the purposes of § 24.2-410.1. Except as provided in §§ 24.2-404 and 24.2-444, the State Board of Elections and the general registrars shall not make information provided by the Department available to the public and shall not provide such information to any third party.

B. The Department shall establish and implement a method by which the State Board of Elections and general registrars may access customer records held in the office of the Department to ascertain the documents presented and accepted to prove legal presence at the time of license or identification card issuance that would also prove citizenship, and to view Department of Motor Vehicles customer images and signatures in order to ascertain the identity of a voter at the polling place.

C. The Department shall establish a method by which the Department's credentials vendor and the State Board of Elections may electronically share a customer's image, digitized signature, and other information stored in his record in the office of the Department necessary for the purpose of producing a registered voter photo identification card.

**2. That the provisions of this act shall become effective on January 1, 2013.**