

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 24.2-404, 24.2-411.1, 24.2-643, and 24.2-701 of the Code of Virginia, relating to voter identification requirements; photo ID.

[S 1256]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-411.1, 24.2-643, and 24.2-701 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404. Duties of State Board.

A. The State Board shall provide for the continuing operation and maintenance of a central recordkeeping 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 *and voter registration cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Board shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a registration card containing the voter's photograph and signature. The Board shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Board. The Board may contract with an outside vendor for the production and distribution of voter registration cards containing the voter's photograph and signature.*
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 16 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 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

57 identification information for the purpose of maintaining the voter registration system. The State Board
58 may share any information that it receives from another agency of the Commonwealth with any Chief
59 Election Officer of another state for the maintenance of the voter registration system.

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

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

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

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

73 **§ 24.2-411.1. Offices of the Department of Motor Vehicles.**

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

- 76 1. Apply for, replace, or renew a driver's license;
- 77 2. Apply for, replace, or renew a special identification card; or
- 78 3. Change an address on an existing driver's license or special identification card.

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

86 Each application form distributed under this section shall be accompanied by the following statement
87 featured prominently in boldface capital letters: "WARNING: INTENTIONALLY MAKING A
88 MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION
89 FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY
90 BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR
91 FINED UP TO \$2,500."

92 Any completed application for voter registration submitted by a person who is already registered
93 shall serve as a written request to update his registration record. Any change of address form submitted
94 for purposes of a motor vehicle driver's license or special identification card shall serve as notification
95 of change of address for voter registration for the registrant involved unless the registrant states on the
96 form that the change of address is not for voter registration purposes. If the information from the
97 notification of change of address for voter registration indicates that the registered voter has moved to
98 another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a
99 request for transfer from the registered voter. The notification and the registered voter's registration
100 record shall be transmitted as directed by the State Board of Elections to the appropriate general
101 registrar who shall send a voter registration card as confirmation of the transfer to the voter pursuant to
102 § 24.2-424. The Department and State Board shall cooperate in the prompt transmittal by electronic or
103 other means of the notification to the appropriate general registrar.

104 C. The completed voter registration portion of the application shall be transmitted as directed by the
105 State Board not later than five business days after the date of receipt. The Department and State Board
106 shall cooperate in the prompt transmittal by electronic or other means of the voter registration portion of
107 the application to the appropriate general registrar.

108 D. The State Board of Elections shall maintain statistical records on the number of applications to
109 register to vote with information provided from the Department of Motor Vehicles.

110 E. A person who provides services at the Department of Motor Vehicles shall not disclose, except as
111 authorized by law for official use, the social security number, or any part thereof, of any applicant for
112 voter registration.

113 *F. The Department of Motor Vehicles shall provide assistance as required in providing voter
114 registration cards containing the voter's photograph and signature as provided in subdivision A 3 of
115 § 24.2-404.*

116 **§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.**

117 A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers

118 of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the
119 voting booth and furnishing an official ballot to him.

120 B. An officer of election shall ask the voter for his full name and current residence address and
121 repeat, in a voice audible to party and candidate representatives present, the full name and address stated
122 by the voter. The officer shall ask the voter to present any one of the following forms of identification:
123 his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's
124 license, his concealed handgun permit issued pursuant to § 18.2-308 valid United States passport, or any
125 other photo identification card issued by a government agency of the Commonwealth, one of its political
126 subdivisions, or the United States; any valid student identification card containing a photograph of the
127 voter and issued by any institution of higher education located in the Commonwealth of Virginia; or any
128 valid employee identification card containing a photograph of the voter and issued by an employer of
129 the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank
130 statement, government check, or paycheck that shows the name and address of the voter.

131 Any voter who does not show one of the forms of identification specified in this subsection shall be
132 offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall
133 provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or
134 electoral board other than matching submitted identification documents from the voter for the electoral
135 board to make a determination on whether to count the ballot.

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

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

147 C. If the current residence address stated by the voter is different from the address shown on the
148 pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the
149 State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties
150 for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an
151 envelope provided for such forms for transmission to the general registrar who shall then transfer or
152 cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

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

161 E. For federal elections held after January 1, 2004, this subsection shall apply in the case of any
162 voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of
163 2002 to show identification the first time the voter votes in a federal election in the state. At such
164 election, such voter shall present (i) a current and valid photo identification or (ii) a copy of a current
165 utility bill, bank statement, government check, paycheck or other government document that shows the
166 name and address of the voter. Such individual who desires to vote in person but who does not show
167 one of the forms of identification specified in this subsection shall be offered a provisional ballot under
168 the provisions of § 24.2-653. Neither the identification requirements of subsection B, nor the
169 identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The
170 State Board of Elections shall provide instructions to the electoral boards for the handling and counting
171 of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

172 **§ 24.2-701. Application for absentee ballot.**

173 A. The State Board shall furnish each general registrar with a sufficient number of applications for
174 official absentee ballots. The registrars shall furnish applications to persons requesting them.

175 The State Board shall implement a system that enables eligible persons to request and receive an
176 absentee ballot application electronically through the Internet. Electronic absentee ballot applications
177 shall be in a form approved by the State Board.

178 Except as provided in § 24.2-703, a separate application shall be completed for each election in

179 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)
180 12 months before an election or (ii) the day following any election held in the twelfth month prior to
181 the election in which the applicant is applying to vote.

182 An application that is completed in person at the same time that the applicant registers to vote shall
183 be held and processed no sooner than the fifth day after the date that the applicant registered to vote;
184 however, this requirement shall not be applicable to any person who is qualified to vote absentee under
185 subdivision 2 of § 24.2-700.

186 Any application received before the ballots are printed shall be held and processed as soon as the
187 printed ballots for the election are available.

188 For the purposes of this chapter, the general registrar's office shall be open a minimum of eight
189 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately
190 preceding all general elections, except May general elections held in towns, and on the Saturday
191 immediately preceding any primary election, May general election held in a town, or special election.

192 Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant
193 who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to
194 the best of his knowledge and belief the facts contained in the application are true and correct and that
195 he has not and will not vote in the election at any other place in Virginia or in any other state. If the
196 applicant is unable to sign the application, a person assisting the applicant will note this fact on the
197 applicant signature line and provide his signature, name, and address.

198 B. Applications for absentee ballots shall be completed in the following manner:

199 1. An application completed in person shall be made not less than three days prior to the election in
200 which the applicant offers to vote and completed only in the office of the general registrar. The
201 applicant shall sign the application in the presence of a registrar or a member of the electoral board. The
202 applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any
203 applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643
204 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections
205 shall provide instructions to the electoral boards for the handling and counting of such provisional
206 ballots pursuant to subsection B of § 24.2-653 and this section.

207 ~~For federal elections held after January 1, 2004, this paragraph shall apply in the case of any voter~~
208 ~~who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to~~
209 ~~show identification the first time that voter votes in a federal election in the state. After completing an~~
210 ~~application for an absentee ballot in person, such voter shall present (i) a current and valid photo~~
211 ~~identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or~~
212 ~~other government document that shows the name and address of the voter. Such individual who desires~~
213 ~~to vote in person but who does not show one of the forms of identification specified in this subdivision~~
214 ~~shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification~~
215 ~~requirements of subsection B of § 24.2-643, nor the identification requirements of subsection A of §~~
216 ~~24.2-653, shall apply to such voter at that election. The State Board of Elections shall provide~~
217 ~~instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to~~
218 ~~subsection B of § 24.2-653 and this section.~~

219 2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile
220 device if one is available to the office of the general registrar or the office of the State Board if a
221 device is not available locally, or other means. The application shall be on a form furnished by the
222 registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application
223 prescribed pursuant to 42 U.S.C. § 1973ff(b)(2). The federal postcard application may be accepted the
224 later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month
225 prior to the election in which the applicant is applying to vote. The application shall be made to the
226 appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the
227 applicant offers to vote.

228 C. Applications for absentee ballots shall contain the following information:

229 1. The applicant's printed name, the last four digits of the applicant's social security number, and the
230 reason the applicant will be absent or cannot vote at his polling place on the day of the election;

231 2. A statement that he is registered in the county or city in which he offers to vote and his residence
232 address in such county or city. Any person temporarily residing outside the United States shall provide
233 the last date of residency at his Virginia residence address, if that residence is no longer available to
234 him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter
235 may file the applications to register and for a ballot simultaneously;

236 3. The complete address to which the ballot is to be sent directly to the applicant, unless the
237 application is made in person at a time when the printed ballots for the election are available and the
238 applicant chooses to vote in person at the time of completing his application. The address given shall be
239 (i) the address of the applicant on file in the registration records; (ii) the address at which he will be

240 located while absent from his county or city; or (iii) the address at which he will be located while
241 temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other
242 person; and

243 4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a
244 member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the
245 spouse belongs, and his or the spouse's rank, grade, or rate, and service identification number; or

246 5. In the case of a student, or the spouse of a student, who is attending a school or institution of
247 learning, the name and address of the school or institution of learning; or

248 6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable
249 to go in person to the polls on the day of the election because of his disability, illness, or pregnancy,
250 the nature of the disability, illness, or pregnancy; or

251 7. In the case of a person who is confined awaiting trial or for having been convicted of a
252 misdemeanor, the name and address of the institution of confinement; or

253 8. In the case of a person who will be absent on election day for business reasons, the name of his
254 employer or business; or

255 9. In the case of a person who will be absent on election day for personal business or vacation
256 reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

257 10. In the case of a person who is unable to go to the polls on the day of election because he is
258 primarily and personally responsible for the care of an ill or disabled family member who is confined at
259 home, the name of the family member and the nature of his illness or disability; or

260 11. In the case of a person who is unable to go to the polls on the day of election because of an
261 obligation occasioned by his religion, his religion and the nature of the obligation; or

262 12. In the case of a person who, in the regular and orderly course of his business, profession, or
263 occupation, will be at his place of work and commuting to and from his home to his place of work for
264 11 or more hours of the 13 hours that the polls are open pursuant to § 24.2-603, the name of his
265 business or employer, address of his place of work, and hours he will be at the workplace and
266 commuting on election day; or

267 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in
268 § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in
269 § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first
270 responder; or

271 14. In the case of a person who has been designated by a political party, independent candidate, or
272 candidate in a primary election to be a representative of the party or candidate inside a polling place on
273 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so
274 designated and the name of the party chairman or candidate who designated him.

275 **2. That the provisions of this act shall become effective on July 1, 2014.**

276 **3. That the provisions of this act shall not become effective unless an appropriation of general**
277 **funds effectuating the purposes of this act is included in a general appropriation act passed by the**
278 **2013 Session of the General Assembly, which becomes law.**