

**I-866-OUR-VOTE
(1-866-687-8683)****Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

VOTER REGISTRATION FORMS**1) Where can voter registration forms be obtained?**

There are several ways to get a voter registration form. The form can be downloaded from the State Board of Elections website at http://www.sbe.virginia.gov/cms/Forms_Publications/Index.html. Application forms also are available at the local voter registration office, most state agency offices, Armed Forces recruitment offices, public libraries, or the State Board of Elections office. The Department of Motor Vehicles must provide voter registration forms and change-of-address forms to the local driver's license examination facilities for any applicant who wishes to register to vote when applying for the issuance, renewal, or replacement of a driver's license.

2) Are there restrictions on registering to vote using a photocopied voter registration form?

Photocopies of the Virginia Voter Registration Application are accepted, provided that the signature on the application is original. However, registered organizers of voter registration drives (**see Questions #13-16**) are not permitted to give photocopied applications to registrants to fill out. The Virginia Voter Registration Application should only be on a form or forms prescribed by the State Board of Elections.

3) Are there restrictions on the use of the National Voter Registration Form?

The National Voter Registration Form can be used in Virginia. Voter registration drives using the National Voter Registration Form are subject to the same requirements described in Questions #12-15. If using the National Voter Registration Form in Virginia, the political party affiliation and race/ethnicity fields may be left blank.

4) Are there restrictions regarding the use of registration form information?

Yes. The actual registration card will not be open to inspection by the public. Registration records containing the name, address, date of birth, gender and all election districts applicable to each registered voter are maintained by the general registrar and will be open to public examination and copying during office hours. Also, the State Board of Elections may furnish lists of registered voters to (i) courts for jury selection purposes, (ii) political candidates to further their candidacy, (iii) political party committees or officials, (iv) political action committees, (v) incumbent officeholders, and (vi) nonprofit organizations that promote voter participation and registration. Your social security number will appear only on reports produced for official use by voter registration and election officials, and for jury selection purposes by courts.

5) Are there restrictions regarding pre-filling information on registration forms?

No. However, the State Board of Election's office advises against applicants using pre-filled registration forms. Any inconsistent information on registration forms, such as an incorrect county or zip code, may delay the registration process. See **Question #11**.

COMPLETING VOTER REGISTRATION FORMS

6) How long must you live in a county before you are eligible to register to vote?

A person must have been a resident of the Virginia county or city in which the person intends to register for a minimum of twenty-nine (29) days prior to a primary or general election.

7) Are there any restrictions on registering to vote using a P.O. Box, college campus, or dorm address?

A person may register to vote using any address he or she considers to be his or her legal residence. Residence requires both domicile and a place of abode. A post office box is not a residence, but in limited circumstances, a post office box may be provided in addition to the voter's residence street address to be used on voter registration lists and records made available to the public. The following are the limited circumstances in which a post office box may be used: (1) where the applicant is a current or retired law-enforcement officer; (2) where the applicant has a protective order issued by or under the authority of any court of competent jurisdiction; or (3) where the applicant furnishes a signed written statement that they are in fear for their personal safety from another person who has threatened or stalked them coupled with evidence that they have filed a complaint with a magistrate or law-enforcement officer.

8) If I enter or leave the state because of work or school, can I register to vote?

Yes. Use of a college or work address is permissible provided that you consider that address to be your legal residence. If you declare an address in Virginia to be your legal residency and move away, you are entitled to vote by absentee ballot.

9) Are there any identification requirements to register to vote?

Identification is not required of voters not registering in person to vote in Virginia but, under federal law, first-time voters who register by mail and have not provided identification at registration are required to do so at the polling place (**see Question #10**). The Virginia Voter Registration Form requires the applicant's social security number. If an applicant does not provide his/her social security number, the application for voter registration will be denied.

10) Are there any identification requirements in order to vote?

Yes. Virginia voters must provide identification at the polling place in order to vote. Acceptable forms of identification include the following:

- Virginia voter identification card
- Valid Virginia driver's license
- Military ID
- Any Federal, state or local government issued ID
- Employer issued photo ID card

- Social Security card

Voters without valid identification are still permitted to vote but will be required to sign, under oath, an Affirmation of Identity form affirming their identity.

Voters casting ballots for the first time in a federal election are required to present: (i) a current and valid photo identification; or (ii) a current utility bill, bank statement, government check, paycheck or other document that shows the name and address of the voter. If the voter does not present one of these forms of identification at the polling place, that person can vote by casting a provisional ballot. A provisional ballot is a paper ballot counted the day after the election once the local electoral board has verified that the person was qualified to vote in that precinct.

11) What are the rules regarding missing or illegible information on registration forms?

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored.

The treatment of incomplete or illegible registration forms depends on the type of information that is missing or illegible. Certain omissions, such as your social security number or citizenship status, are of a disqualifying nature. Those registration forms will be denied as incomplete and the registrant will receive another form and an explanation of the denial. However, if the information missing is not of a disqualifying nature, the registrant will be contacted in a timely manner by the election official to allow for the completion of the registration form.

12) Can a person whose name has changed since registering vote on Election Day?

Yes. A person already registered to vote under a name that has been legally changed since originally registering may have the name changed in the registration book by notifying the general registrar of the jurisdiction where he/she is registered. The notice may be made in writing or by filling out a new voter registration application form and must be signed by the voter. Notice will be accepted by mail or by facsimile. On the date of the election, the registered voter may inform an officer of election serving at the polling place of the name change. It may be necessary to sign an Affirmation of Identity.

REGISTERING OTHERS TO VOTE

13) What are the laws regarding third-party registration?

Third parties must deliver or mail registration applications within 15 days of the date the Virginia Voter Registration Form is signed or by the registration deadline, whichever is sooner. The intentional failure to do so carries liability of a Class 1 misdemeanor.

Third parties must either mail completed registration applications or hand deliver them to the general registrar. Third parties cannot hand deliver registration applications to any otherwise authorized recipients for applications.

Intentionally falsifying information on a registration application, or soliciting multiple applications from one applicant carries the liability of a Class 5 felony.

The State Board of Elections, local electoral board, or general registrar's office must provide a copy and explanation of the penalties for breaching the above provisions, when handing out multiple copies of the voter registration application. Likewise, any further instructions furnished to the public by any means shall contain such a copy and explanation.

Those conducting voter registration drives do not have to register with a state official. There are guidelines regarding voter registration drives on the Virginia Board of Elections website at the following address:

http://www.sbe.virginia.gov/cms/Voter_Information/Voter_Registration_Drives_Guidelines.html. Though there is no express provision prohibiting third parties from copying registrations, any person assisting an applicant with the completion or return of a mail voter registration application may not copy, disclose or make any use of the social security number, or any part thereof, of the applicant except as authorized by law for official use.

14) Are there any laws regarding submission of voter registration forms by individuals receiving compensation?

No. There are no express provisions of the Virginia Electoral Code prohibiting the submission of voter registration forms by individuals receiving compensation.

15) Is training required for voter registration drives?

No. There is no express training requirement under the Virginia Electoral Code. There is however, a suggestion under the Virginia State Board of Elections' Voter Registration Drives Guidelines that organizations or individuals planning a voter registration drive train those assisting in the drive to ensure they know who is eligible to vote and how to fill out the voter registration cards correctly.

16) Are volunteers or staff of voter registration drives required to be county or state residents?

No, they are not.

REGISTRATION DEADLINES

17) What is the deadline to register to vote?

For the 2008 general election, the deadline is Monday, October 6, 2008. Virginia requires voters to be registered 29 days before an election. Beginning on January 1, 2010, the registration deadline will move from 29 days before an election to 22 days before an election, pursuant to Virginia House Bill 1197, enacted on March 5, 2008.

All applications to vote must be submitted or postmarked no later than the 29th day before the date of the first election in which the individual intends to vote. Applications that are mailed but are not postmarked or where the postmark is illegible shall be deemed to be timely received if they arrive within 5 days following the time for the closing of the registration books. The registration books close on Tuesday, October 7, 2008 for the 2008 general election.

18) Must organizations or individuals engaged in voter registration drives submit their forms within a certain period of time?

Yes. Applications given to third parties must be delivered in a timely fashion, meaning mailed or delivered within 15 days of the applicant's signature or in accordance with the provisions of § [24.2-416.4](#) for processing before the closing of the registration records for the pending election, whichever comes first.

19) Is Election Day registration allowed?

Individuals who register to vote on Election Day will not be permitted to vote in that election. For the registration deadline see **Question 17**.

20) Does state election law allow for early or absentee voting?

Early voting is not permitted in Virginia, however, absentee voting is permitted. Eligible voters may vote by absentee ballot only if they fall under one of the following enumerated categories:

- (1) Any person who, in the regular and orderly course of his or her business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he or she is entitled to vote; or
- (2) any person who is (a) a member of a uniformed service of the United States, as defined in 42 U.S.C. § 1973ff-6 (7), on active duty, or (b) a member of the merchant marine of the United States, or (c) who temporarily resides outside of the United States, or (d) the spouse or dependent residing with any person listed in (a), (b), or (c), and who will be absent on the day of the election from the county or city in which he or she is entitled to vote; or
- (3) any student attending a school or institution of learning, or his or her spouse, who will be absent on the day of election from the county or city in which he or she is entitled to vote; or
- (4) any person who is unable to go in person to the polls on the day of election because of a physical disability or physical illness; or
- (5) any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where such person is confined shall, on such person's request, be taken to the polls to vote on election day if such person's trial date is postponed and such person does not have an opportunity to vote absentee; or
- (6) any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment; or
- (7) any duly registered person who is unable to go in person to the polls on the day of the election because he or she is primarily and personally responsible for the care of an ill or disabled family member who is confined at home; or
- (8) any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion; or
- (9) any person who, in the regular and orderly course of his business, profession, or occupation, will be at his or her place of work and commuting to and from his or her home to his or her place of work for eleven or more hours of the thirteen hours that the polls are open pursuant to VA. Code § 24.2-603.

The general registrar will begin accepting applications for absentee voting 12 months before the date of the relevant election. If the application for absentee voting is submitted in person, it must be submitted no later than 3 days before the date of election. If the application is mailed or electronically or

telephonically transmitted, it must be made to the appropriate general registrar no later than 5pm one week before the date of the election. Applications for absentee ballots can be found at each general registrar's office or online at http://www.sbe.virginia.gov/cms/Absentee_Documents/VA_Absentee_ballot_application.pdf.

VOTER REGISTRATION LEGISLATION

21) Is there any pending legislation that affects voter registration? If so, where is it in the legislative process?

We are unaware of any pending legislation, however, the following are recent developments in voter registration legislation in Virginia:

Virginia House Bill 1099 protects voters' personal information by restricting use and disclosure of a voter's date of birth. Specifically, the year of birth rather than the date of birth will be used on lists identifying voters. It was approved on March 5, 2008.

(Effective 7/01/08) Virginia House Bill 1185- Voter registration; cancellation on basis of non-citizenship: This bill provides that the general registrar shall mail notice to voters who are reported not to be citizens by the Department of Motor Vehicles and that such voters will have 14 days to respond to the notice with a sworn statement that the voter is a citizen.

Virginia House Bill 1197 reduces the period of time that registration records must be closed before a general election from 28 to 21 days beginning January 1, 2010. The bill likewise moves the registration deadline from 29 days to 22 days before and election. It was approved on March 5, 2008.

Virginia Senate Bill 62, which was recently approved, adds the requirement that the state registration forms shall have a receipt that shall be taken off and given to the applicant, on which shall be listed the name of the person or organization receiving the application, the date, and the phone number of the general registrar or the State Board of Elections so that the applicant can confirm his registration. This requirement is not applicable when applications are returned by mail directly to the general registrar or the State Board of Elections.

22) What applicable statutes are possibly affected?

If you would like to read the statutes that generally apply to voter registration, they are under Title 24.2, chapter 4, of Virginia's Revised Statutes Annotated, specifically:

- § 24.2-100 on elections generally;
- § 24.2-400 to § 24.2447 on voter registration; and
- § 24.2-700 to § 24.2-713 on absentee voting.

23) Are there any helpful elections official contacts?

For more information, contact the Virginia State Board of Elections at:

Virginia State Board of Elections
Suite 101, 200 North 9th Street
Richmond, VA 23219-3485
1-800-552-9745

24) What web resources are available?

The Virginia State Board of Elections has a website dedicated to providing information on the voter registration process: www.sbe.virginia.gov. This site includes resources such as frequently asked questions, absentee ballots, and special provisions for military officers.

The National Campaign for Fair Elections is another resource:
<http://www.nationalcampaignforfairelections.org/pages/virginia>