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SENATE BILL NO. 162

Offered January 12, 2022

Prefiled January 10, 2022

A BILL to amend and reenact § 24.2-653 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 24.2-418.01 and 24.2-653.4, relating to voter registration; verification of social security numbers; provisional registration status.

Patron—Peake

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-653 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 24.2-418.01 and 24.2-653.4 as follows:

§ 24.2-418.01. Verification of social security numbers.

A. Before registering any applicant, the general registrars shall verify that the name, date of birth, and social security number provided by the applicant on the voter registration application match the information on file with the Social Security Administration or other database approved by the State Board. If the information provided by the applicant matches the information on file with the Social Security Administration or other database and the applicant is otherwise qualified, the applicant shall be registered to vote.

B. If the information provided by the applicant does not match the information on file with the Social Security Administration or other database, but the applicant is otherwise qualified, the applicant shall be provisionally registered to vote. The general registrar shall send a notice by mail to the applicant at the address provided on the voter registration application, informing him of his provisional registration status. Such notice shall inform the applicant of the information on his application that did not match and shall provide the opportunity to correct the information or to present one of the following forms of identification: his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States.

An applicant who corrects the information on his application or presents one of the forms of identification shall be registered to vote. An applicant who does not correct the information on his application or does not present one of the forms of identification shall remain provisionally registered to vote and shall be permitted to vote in accordance with the provisions of § 24.2-653.4.

C. On or before August 1 of each year, the general registrars shall verify that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board. The provisions of § 24.2-429 shall govern the cancellation of the registration of any registered voter whose information does not match the information on file with the Social Security Administration or other database.

D. The State Board may approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this section and may promulgate rules for the use of such database. The Department shall provide access by the general registrars to the Social Security Administration database and any other database approved by the State Board and shall be required to enter into any agreement with any federal or state agency in order to provide such access.

§ 24.2-653. Provisional voting; procedures in polling place.

A. Any person voting provisionally pursuant to subsection B of § 24.2-643, § 24.2-651.1, subsection B of § 24.2-652, or § 24.2-653.1 or 24.2-653.2, or 24.2-653.4 shall be given a printed ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, on a green envelope supplied by the Department of Elections, the identifying information required on the envelope, including the last four digits of his social security number, if any, full name including the maiden or any other prior legal name, date of birth, complete address, and signature. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. If he is unable to present one of these forms of identification, he shall sign a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. The officers of election shall note on the green envelope whether or not the voter has presented one of the specified forms of identification or signed the required statement in lieu of presenting one of the specified forms of identification. The officers of election shall enter the appropriate information for the person in the precinct provisional ballots log in accordance with the instructions of the State Board but shall not enter a consecutive number for the voter on the pollbook nor otherwise mark his name as

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59 having voted.

60 The voter shall then, in the presence of an officer of election, but in a secret manner, mark the
61 printed ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the
62 ballot shall then promptly be placed in the ballot container by an officer of election.

63 B. An officer of election, by a written notice given to the voter, shall inform him that a
64 determination of his right to vote shall be made by the electoral board and advise the voter of the
65 beginning time and place for the board's meeting and of the voter's right to be present at that meeting. If
66 the voter is voting provisionally as required by § 24.2-643, an officer of election, by written notice given
67 to the voter, shall also inform him that he may submit a copy of one of the forms of identification
68 specified in subsection B of § 24.2-643 or a statement, signed by him subject to felony penalties for
69 false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be to the
70 electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal
71 Service or commercial mail delivery, to be received by the electoral board no later than noon on the
72 third day after the election.

73 C. The provisional votes submitted pursuant to subsection A, in their unopened envelopes, shall be
74 sealed in a special envelope marked "Provisional Votes," inscribed with the number of envelopes
75 contained therein, and signed by the officers of election who counted them. All provisional votes
76 envelopes shall be delivered either (i) to the clerk of the circuit court who shall deliver all such
77 envelopes to the secretary of the electoral board or (ii) to the general registrar in localities in which the
78 electoral board has directed delivery of election materials to the general registrar pursuant to § 24.2-668.

79 **§ 24.2-653.4. Voter with provisional registration status.**

80 *Any person who offers to vote and is listed in the pollbook as provisionally registered shall be*
81 *permitted to vote by a provisional ballot in accordance with the provisions of § 24.2-653. Such ballot*
82 *shall not be counted if the voter does not present to the local electoral board, no later than noon on the*
83 *third day after the election, one of the following forms of identification: his valid Virginia driver's*
84 *license, his valid United States passport, or any other photo identification issued by the Commonwealth,*
85 *one of its political subdivisions, or the United States.*

86 **2. That the provisions of this act shall become effective on July 1, 2024.**