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HOUSE BILL NO. 2586

Offered January 13, 2025

Prefiled January 13, 2025

A BILL to amend and reenact §§ 24.2-404, 24.2-410.1, 24.2-411.2, 24.2-427, and 24.2-653.01 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 24.2-411.4 and 24.2-411.5, relating to voter registration; automatic registration of hunting, fishing, and concealed firearm license applicants; permanent absentee.

Patrons—Cordoza, Earley, Green and Lovejoy; Senators: Diggs and Sturtevant

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-410.1, 24.2-411.2, 24.2-427, and 24.2-653.01 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 24.2-411.4 and 24.2-411.5 as follows:

§ 24.2-404. Duties of Department of Elections.

A. The Department of Elections 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 Department shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth. Such system shall automatically register a person who has preregistered pursuant to § 24.2-403.1 upon that person becoming eligible for registration under § 24.2-403 or reaching 18 years of age, whichever comes first. Such system shall also assign a unique identifier to each voter registered in the system.

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 confirmation documents for newly registered voters, including voters who were automatically registered pursuant to subdivision 1, 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, *the clerks of circuit courts of the Commonwealth, or the Department of Wildlife Resources* pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, 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 Department. The Department 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 Department 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 Department 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 Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department 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 Department.

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 Department in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The Department may share any

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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. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.

11. 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 Department by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

B. The Department 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. The Virginia Freedom of Information Act (§ 2.2-3700 et seq.) shall not apply to records about individuals maintained in this system.

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.

E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

F. The Department shall report annually by October 1 for the preceding 12 months ending August 31 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The Department's report shall be governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that the data included in the report is accurate and reliable.

§ 24.2-410.1. Citizenship status; Department of Motor Vehicles, clerks of circuit courts, and Department of Wildlife Resources to furnish lists of noncitizens.

A. The Department of Motor Vehicles shall include on the application for any document, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 a statement asking the applicant if he is a United States citizen. Information on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

The Department of Motor Vehicles shall furnish monthly to the Department of Elections a complete list of all persons who have indicated a noncitizen status to the Department of Motor Vehicles in obtaining any document, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The Department of Elections shall transmit the information from the list to the appropriate general registrars. Information in the lists shall be confidential and available only for official use by the Department of Elections and general registrars.

B. *The clerk of any circuit court of the Commonwealth and the Department of Wildlife Resources shall include on the application for any license or other document, or renewal thereof, issued under Chapter 3 (§ 29.1-300 et seq.) of Title 29.1 a statement asking the applicant if he is a United States citizen. Information on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 29.1-300 et seq.) of Title 29.1.*

The clerk of each circuit court in the Commonwealth and the Department of Wildlife Resources shall furnish monthly to the Department of Elections a complete list of all persons who have indicated a noncitizen status to such office in applying for any document, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 29.1-300 et seq.) of Title 29.1. The Department of Elections shall transmit the information from the list to the appropriate general registrars. Information in the lists shall be confidential and available only for official use by the Department of Elections and general registrars.

C. *The clerk of any circuit court of the Commonwealth shall include on the application for a Virginia resident concealed handgun permit provided pursuant to § 18.2-308.02, or renewal or replacement of a Virginia resident concealed handgun permit originally issued pursuant to such application, a statement asking the applicant if he is a United States citizen. Information on citizenship status shall not be a*

determinative factor for the issuance of any document pursuant to the provisions of Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2.

The clerk of each circuit court in the Commonwealth shall furnish monthly to the Department of Elections a complete list of all persons who have indicated a noncitizen status to such office in applying for a Virginia resident concealed handgun permit pursuant to § 18.2-308.02, or renewal or replacement of a Virginia resident concealed handgun permit originally issued pursuant to such application. The Department of Elections shall transmit the information from the list to the appropriate general registrars. Information in the lists shall be confidential and available only for official use by the Department of Elections and general registrars.

D. For the purposes of this section, the Department of Motor Vehicles is not responsible for verifying the claim of any applicant who indicates United States citizen status when applying for any document, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

For the purposes of this section, the clerks of the circuit courts of the Commonwealth and the Department of Wildlife Resources are not responsible for verifying the claim of any applicant who indicates United States citizen status when applying for any document, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 29.1-300 et seq.) of Title 29.1.

For the purposes of this section, a clerk of the circuit court of the Commonwealth is not responsible for verifying the claim of any applicant who indicates United States citizen status when applying for a Virginia resident concealed handgun permit pursuant to § 18.2-308.02, or renewal or replacement of a Virginia resident concealed handgun permit originally issued pursuant to such application.

§ 24.2-411.2. State-designated voter registration agencies.

A. The following agencies are designated as voter registration agencies in compliance with the National Voter Registration Act (52 U.S.C. § 20501 et seq.) and shall provide voter registration opportunities at their state, regional, or local offices, depending upon the point of service:

1. Agencies whose primary function is to provide public assistance, including agencies that provide benefits under the Temporary Assistance for Needy Families program; Special Supplemental Food Program for Women, Infants, and Children; Medicaid program; or Food Stamps program;

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

3. Armed Forces recruitment offices; and

4. The regional offices of the Department of Wildlife Resources and the offices of the Virginia Employment Commission in the Northern Virginia Planning District 8.

B. The Commissioner of Elections, with the assistance of the Office of the Attorney General, shall compile and maintain a list of the specific agencies covered by subdivisions A 1 and A 2 that, in the legal opinion of the Attorney General, must be designated to meet the requirements of the National Voter Registration Act. The Commissioner of Elections shall notify each agency of its 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 Department 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, *except for the regional offices of the Department of Wildlife Resources*, which provides service or assistance in conducting voter registration, shall make the following services available on the premises of the agency:

1. Distribution 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, of a voter registration application prescribed by the Department of Elections that complies with the requirements of the National Voter Registration Act (52 U.S.C. § 20501 et seq.).

2. Provision, as part of the voter registration process, of 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 2 a), 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

181 you. The decision whether to seek help or accept help is yours. You may fill out the application form in
182 private."

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

187 f. The following statement accompanying the form which features prominently in boldface capital letters:
188 "WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM
189 CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA
190 LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP
191 TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500."

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

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

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

199 1. Seek to influence an applicant's political preference;

200 2. Display any material indicating the person's political preference or party allegiance;

201 3. Make any statement to an applicant or take any action the purpose or effect of which is to lead the
202 applicant to believe that a decision to register or not to register has any bearing on the availability of services
203 or benefits; or

204 4. Disclose, except as authorized by law for official use, the social security number, or any part thereof, of
205 any applicant for voter registration.

206 Any person who is aggrieved by a violation of this subsection may provide written notice of the violation
207 to the Department. The Department shall be authorized to cooperate with the agency to resolve the alleged
208 violation. Nothing contained in this subsection shall prohibit an aggrieved person from filing a complaint in
209 accordance with § 24.2-1019 against a person who commits any election law offense enumerated in §§
210 24.2-1000 through 24.2-1016.

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

213 H. Each state-designated voter registration agency shall maintain such statistical records on the number of
214 applications to register to vote as requested by the Department.

215 **§ 24.2-411.4. Registration of hunting and fishing license applicants.**

216 A. *Each person coming into an office of a clerk of a circuit court in the Commonwealth or an office of the*
217 *Department of Wildlife Resources or accessing the Department of Wildlife Resources website in order to (i)*
218 *apply for, replace, or renew a license or other document issued under Chapter 3 (§ 29.1-300 et seq.) of Title*
219 *29.1 except a nonresident license required by § 29.1-321 or (ii) change an address on an existing license or*
220 *other document issued under Chapter 3 (§ 29.1-300 et seq.) of Title 29.1, except a nonresident license*
221 *required by § 29.1-321, shall be presented with (a) a question asking whether or not the person is a United*
222 *States citizen and (b) the option to decline to have his information transmitted to the Department of Elections*
223 *for voter registration purposes. The citizenship question and option to decline shall be accompanied by a*
224 *statement that intentionally making a materially false statement during the transaction constitutes election*
225 *fraud and is punishable under Virginia law as a felony.*

226 *The clerk of a circuit court or the Department of Wildlife Resources may not transmit the information of*
227 *any person who so declines. The clerk of a circuit court or the Department of Wildlife Resources may not*
228 *transmit the information of any person who indicates that he is not a United States citizen, nor may such*
229 *person be asked any additional questions relevant to voter registration but not relevant to the purpose for*
230 *which the person came to an office of a clerk of a circuit court or an office of the Department of Wildlife*
231 *Resources or accessed the Department of Wildlife Resources website.*

232 B. *For each person who does not select the option to decline to have his information transmitted to the*
233 *Department of Elections for voter registration purposes and who has identified himself as a United States*
234 *citizen, the clerk of a circuit court or the Department of Wildlife Resources shall request any information as*
235 *may be required by the State Board to ensure that the person meets all voter registration eligibility*
236 *requirements. The clerk of any circuit court of the Commonwealth and the Department of Wildlife Resources*
237 *shall also offer to any such applicant a separate application to be placed on the permanent absentee voter list*
238 *pursuant to § 24.2-703.1.*

239 C. *The clerk of a circuit court or the Department of Wildlife Resources shall electronically transmit to the*
240 *Department of Elections, in accordance with the standards set by the State Board, the information collected*
241 *pursuant to subsection B for any person who (i) has indicated that he is a United States citizen, (ii) has*

indicated that he is 17 years of age or older, and (iii) at the time of such transaction did not decline to have his information transmitted to the Department of Elections for voter registration purposes.

D. The Department of Elections shall use the information transmitted to determine whether a person already has a registration record in the voter registration system.

1. For any person who does not yet have a registration record in the voter registration system, the Department of Elections shall transmit the information to the appropriate general registrar. The general registrar shall accept or reject the registration of such person in accordance with the provisions of this chapter.

2. For any person who already has a registration record in the voter registration system, if the information indicates that the voter has moved within the Commonwealth, the Department of Elections shall transmit the information and the registration record to the appropriate general registrar, who shall treat such transmittal as a request for transfer and process it in accordance with the provisions of this chapter.

3. General registrars shall not register any person who does not satisfy all voter eligibility requirements.

§ 24.2-411.5. Registration of concealed handgun permit applicants.

A. Each person coming into an office of a clerk of a circuit court in the Commonwealth in order to apply for a Virginia resident concealed handgun permit pursuant to § 18.2-308.02, or renewal or replacement of a Virginia resident concealed handgun permit originally issued pursuant to such application, shall be presented with (i) a question asking whether or not the person is a United States citizen and (ii) the option to decline to have his information transmitted to the Department of Elections for voter registration purposes. The citizenship question and option to decline shall be accompanied by a statement that intentionally making a materially false statement during the transaction constitutes election fraud and is punishable under Virginia law as a felony.

The clerk of a circuit court may not transmit the information of any person who so declines. The clerk of a circuit court may not transmit the information of any person who indicates that he is not a United States citizen, nor may such person be asked any additional questions relevant to voter registration but not relevant to the purpose for which the person came to the clerk of the circuit court.

B. For each person who does not select the option to decline to have his information transmitted to the Department of Elections for voter registration purposes and who has identified himself as a United States citizen, the clerk of a circuit court shall request any information as may be required by the State Board to ensure that the person meets all voter registration eligibility requirements. The clerk of any circuit court of the Commonwealth and the Department of Wildlife Resources shall also offer to any such applicant a separate application to be placed on the permanent absentee voter list pursuant to § 24.2-703.1.

C. The clerk of a circuit court shall electronically transmit to the Department of Elections, in accordance with the standards set by the State Board, the information collected pursuant to subsection B for any person who (i) has indicated that he is a United States citizen, (ii) has indicated that he is 17 years of age or older, and (iii) at the time of such transaction did not decline to have his information transmitted to the Department of Elections for voter registration purposes.

D. The Department of Elections shall use the information transmitted to determine whether a person already has a registration record in the voter registration system.

1. For any person who does not yet have a registration record in the voter registration system, the Department of Elections shall transmit the information to the appropriate general registrar. The general registrar shall accept or reject the registration of such person in accordance with the provisions of this chapter.

2. For any person who already has a registration record in the voter registration system, if the information indicates that the voter has moved within the Commonwealth, the Department of Elections shall transmit the information and the registration record to the appropriate general registrar, who shall treat such transmittal as a request for transfer and process it in accordance with the provisions of this chapter.

3. General registrars shall not register any person who does not satisfy all voter eligibility requirements.

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

A. Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar. When submitted by any means other than when notarized or in person, such cancellation must be made at least 22 days prior to an election in order to be valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or by first-class mail that his registration has been canceled within 10 days of receipt of such authorization.

B. The general registrar shall promptly cancel the registration of (i) all persons known by him to be deceased; (ii) all persons known by him to be disqualified to vote by reason of a felony conviction or adjudication of incapacity; (iii) all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles, the clerks of the circuit courts of the Commonwealth, or the Department of Wildlife Resources pursuant to § 24.2-410.1 or from the Department of Elections based on

information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 and in accordance with the requirements of subsection C; (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and (v) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses (iv) and (v) 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. The general registrar shall provide notice of any cancellation to the person whose registration is cancelled, by mail to the address listed in the voter's registration record and by email to the email address provided on the voter's registration application, if one was provided.

C. The general registrar shall mail notice promptly to all persons known by him not to be United States citizens by reason of a report from the Department of Motor Vehicles, *the clerks of the circuit courts of the Commonwealth, or the Department of Wildlife Resources* pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling their registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from the Department of Elections and allow the person to submit his sworn statement that he is a United States citizen within 14 days of the date that the notice was mailed. The general registrar shall cancel the registrations of such persons who do not respond within 14 days to the notice that they have been reported not to be United States citizens.

D. The general registrar shall (i) process the Department's most recent list of persons convicted of felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any registered voter shown to have been convicted of a felony who has not provided evidence that his right to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his registration. If it appears that any registered voter has made a false statement on his registration application with respect to his having been convicted of a felony, the general registrar shall report the fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made on his registration application.

E. The general registrar may cancel the registration of any person for whom a notice has been submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most recently been registered in Virginia. No general registrar may cancel registrations under this authority while the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this authority of any person entitled to register under the provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of cancellation.

§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.

A. The electoral board shall meet on the day following the election and determine whether each person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. In the case of persons voting provisionally pursuant to § 24.2-653.3, the electoral board shall determine of which district the person is a qualified voter. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions that it deems reasonable to determine the status of a provisional vote.

If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension, the meeting shall stand adjourned, not to exceed 10 calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

B. The electoral board shall permit one authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall

take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

C. If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct or district in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, or the signed statement that the voter is the named registered voter he claims to be, the envelope containing his ballot shall not be opened and his vote shall not be counted. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to a state-designated voter registration agency or the voter's information was transmitted by (a) the Department of Motor Vehicles to the Department of Elections pursuant to § 24.2-411.3 or (b) the clerks of the circuit courts of the Commonwealth or the Department of Wildlife Resources pursuant to § 24.2-411.4 prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection B of § 24.2-652.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot shall be placed in a ballot container without any inspection further than that provided for in § 24.2-646.

D. On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

E. The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.