

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 8.01-338, 24.2-101, 24.2-404, 24.2-409, 24.2-409.1, 24.2-410, 24.2-418, 24.2-427, 53.1-5, 53.1-10, 64.2-2000, and 64.2-2009 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 24.2-400.1, 24.2-409.2, and 24.2-418.2; and to repeal Chapter 12.1 (§§ 53.1-231.1 and 53.1-231.2) of Title 53.1 of the Code of Virginia, relating to voter registration; restoration of political rights upon release from incarceration; certain adjudications.

[H 964]

Approved

Be it enacted by the General Assembly of Virginia:
1. That §§ 8.01-338, 24.2-101, 24.2-404, 24.2-409, 24.2-409.1, 24.2-410, 24.2-418, 24.2-427, 53.1-5, 53.1-10, 64.2-2000, and 64.2-2009 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 24.2-400.1, 24.2-409.2, and 24.2-418.2 as follows:

§ 8.01-338. Who disqualified.
The following persons shall be disqualified from serving as jurors:
1. Persons adjudicated incapacitated;
2. Persons convicted of treason or a felony; or
3. Any other person under a disability as defined in § 8.01-2 and not included in subdivisions 1 or 2 above.

§ 24.2-101. Definitions.
As used in this title, unless the context requires a different meaning:
"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, § 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be

57 filled at those times.

58 "General registrar" means the person appointed by the electoral board of a county or city pursuant to  
59 § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by this  
60 title. When performing duties related to the administration of elections, the general registrar is acting in his  
61 capacity as the director of elections for the locality in which he serves.

62 "*Incarceration*" means confinement inside the physical boundaries of a state correctional facility or local  
63 correctional facility, as those terms are defined § 53.1-1, for 24 hours a day. "*Incarceration*" does not  
64 include any period of probation, parole, or post-release supervision, or of confinement in a community  
65 correctional facility, as that term is defined in § 53.1-1.

66 "Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device  
67 operated by a voter, is available for verification by the voter at the time the ballot is cast, and is then fed into  
68 and scanned by a separate counting machine capable of reading ballots and tabulating results.

69 "Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a  
70 polling place for any election.

71 "Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

72 "Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the  
73 two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide  
74 office filled in that election. The organization shall have a state central committee and an office of elected  
75 state chairman which have been continually in existence for the six months preceding the filing of a nominee  
76 for any office.

77 "Person with a disability" means a person with a disability as defined in § 51.5-40.1.

78 "Polling place" means the structure that contains the one place provided for each precinct at which the  
79 qualified voters who are residents of the precinct may vote.

80 "Precinct" means the territory designated by the governing body of a county, city, or town to be served by  
81 one polling place.

82 "Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the  
83 nominee of a political party for election to office.

84 "Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable  
85 ballots and paper ballots.

86 "Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who  
87 is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D  
88 of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a  
89 registered voter. ~~No person who has been convicted of a felony shall be a qualified voter unless his civil  
90 rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated  
91 shall be a qualified voter unless his capacity has been reestablished as provided by law.~~ Whether a signature  
92 should be counted towards satisfying the signature requirement of any petition shall be determined based on  
93 the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall  
94 be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall  
95 include only persons maintained on the Virginia voter registration system (a) with active status and (b) with  
96 inactive status who are qualified to vote for the office for which the petition was circulated.

97 "Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town  
98 in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

99 "Referendum" means any election held pursuant to law to submit a question to the voters for approval or  
100 rejection.

101 "Registered voter" means any person who is maintained on the Virginia voter registration system. All  
102 registered voters shall be maintained on the Virginia voter registration system with active status unless  
103 assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For  
104 purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements  
105 pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or  
106 polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the  
107 number of signatures required for candidate and voter petitions, "registered voter" shall include only persons  
108 maintained on the Virginia voter registration system with active status. For purposes of determining if a  
109 signature on a petition shall be included in the count toward meeting the signature requirements of any  
110 petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i)  
111 with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was  
112 circulated.

113 "Registration records" means all official records concerning the registration of qualified voters and shall  
114 include all records, lists, applications, and files, whether maintained in books, on cards, on automated data  
115 bases, or by any other legally permitted record-keeping method.

116 "*Release from incarceration*" means release from confinement inside the physical boundaries of a state  
117 correctional facility or local correctional facility, as those terms are defined § 53.1-1; however, the release to  
118 the custody of an out-of-state correctional facility or federal detention center shall not be deemed a release

119 *from incarceration for purposes of this title.*

120 "Residence" or "resident," for all purposes of qualification to register and vote, means and requires both  
121 domicile and a place of abode. To establish domicile, a person must live in a particular locality with the  
122 intention to remain. A place of abode is the physical place where a person dwells.

123 "Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a  
124 referendum.

125 "State Board" or "Board" means the State Board of Elections.

126 "Virginia voter registration system" or "voter registration system" means the automated central  
127 record-keeping system for all voters registered within the Commonwealth that is maintained as provided in  
128 Article 2 (§ 24.2-404 et seq.) of Chapter 4.

129 "Voting system" means the electronic voting and counting machines used at elections, including direct  
130 recording electronic machines (DRE), ballot scanner machines, and on-demand ballot printing systems and  
131 ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and  
132 counting machines.

133 **§ 24.2-400.1. Persons entitled to register and vote; restoration of rights.**

134 *Any person who is convicted of a felony and sentenced to a period of incarceration for such felony*  
135 *conviction shall not be entitled to register to vote or to vote for the duration of the period of incarceration,*  
136 *but he shall be invested with all political rights lost as a result of the felony conviction upon release from*  
137 *incarceration and shall be entitled to register to vote as provided in this chapter.*

138 **§ 24.2-404. Duties of Department of Elections.**

139 A. The Department of Elections shall provide for the continuing operation and maintenance of a central  
140 recordkeeping system, the Virginia voter registration system, for all voters registered in the Commonwealth.

141 In order to operate and maintain the system, the Department shall:

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

146 2. Require the general registrars to enter the names of all registered voters into the system and to change  
147 or correct registration records as necessary.

148 3. Provide to each general registrar voter confirmation documents for newly registered voters, including  
149 voters who were automatically registered pursuant to subdivision 1, and for notice to registered voters on the  
150 system of changes and corrections in their registration records and polling places.

151 4. Require the general registrars to delete from the record of registered voters the name of any voter who  
152 (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of  
153 his residence, (iii) has been convicted of a felony *and sentenced to a period of incarceration*, (iv) has been  
154 adjudicated ~~incapacitated~~ *to lack the capacity to understand the act of voting*, (v) is known not to be a United  
155 States citizen by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from  
156 the Department of Elections based on information received from the Systematic Alien Verification for  
157 Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no longer qualified to  
158 vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the  
159 Department. The Department shall promptly provide the information referred to in this subdivision, upon  
160 receiving it, to general registrars.

161 5. Retain on the system for four years a separate record for registered voters whose names have been  
162 deleted, with the reason for deletion.

163 6. Retain on the system permanently a separate record for information received regarding deaths, felony  
164 convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

165 7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days  
166 prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct  
167 in which the election is being held in the county, city, or town. These precinct lists shall be used as the  
168 official lists of qualified voters and shall constitute the pollbooks. The Department shall provide instructions  
169 for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of  
170 voter lines at the polls. Prior to any general, primary, or special election, the Department shall provide any  
171 general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's  
172 county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices  
173 are used in precincts in the locality, the Department shall provide a regional or statewide list of registered  
174 voters to the general registrar of the locality. The Department shall determine whether regional or statewide  
175 data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the  
176 day and month of birth of the voter, but shall include the voter's year of birth.

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

178 9. Use any source of information that may assist in carrying out the purposes of this section. All agencies  
179 of the Commonwealth shall cooperate with the Department in procuring and exchanging identification  
180 information for the purpose of maintaining the voter registration system. The Department may share any

181 information that it receives from another agency of the Commonwealth with any Chief Election Officer of  
 182 another state for the maintenance of the voter registration system.

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

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

190 B. The Department shall be authorized to provide for the production, distribution, and receipt of  
 191 information and lists through the Virginia voter registration system by any appropriate means including, but  
 192 not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et seq.)  
 193 shall not apply to records about individuals maintained in this system.

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

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

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

206 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31 to  
 207 the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter  
 208 registration system and the results of those activities. The Department's report shall be governed by the  
 209 provisions of § 2.2-608 and shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and  
 210 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,  
 211 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used in gathering and  
 212 analyzing the data. The Commissioner of Elections shall certify that the data included in the report is accurate  
 213 and reliable.

214 **§ 24.2-409. Department of State Police to transmit lists of felony convictions to Department of**  
 215 **Elections.**

216 ~~The Central Criminal Records Exchange~~ A. *Each month, the Department of State Police shall transmit to*  
 217 *the Department of Elections by electronic means (i) a monthly a list of all persons convicted of a felony and*  
 218 *sentenced to a period of incarceration during the preceding month and (ii) an annual list of all persons who*  
 219 *have been convicted of a felony, regardless of when the conviction occurred. The list shall be in a format*  
 220 *mutually agreed upon by the Commissioner of Elections and the Department of State Police and shall contain*  
 221 *the convicted person's name; address; county, city, or town of residence; social security number, if any; date*  
 222 *and place of birth; and date of conviction, at a minimum, the following identification information for each*  
 223 *person included on the list: (i) his last name, including any other last name used; (ii) his first name, including*  
 224 *any other name used; (iii) his middle name or initial; (iv) his date and place of birth; (v) his social security*  
 225 *number, if any; (vi) his last known address of residence, including the county, city, or town, and (vii) the date*  
 226 *of conviction. The Department shall maintain a permanent record of the information in the lists as part of the*  
 227 *voter registration system.*

228 B. Upon receipt of the monthly list, the Department of Elections shall compare, ~~on a monthly basis,~~ the  
 229 contents of the list to the list of all registered voters maintained on the voter registration system and shall  
 230 notify the appropriate general registrar ~~of the felony conviction~~ of any registered voter *who has been*  
 231 *convicted of a felony and sentenced to a period of incarceration.*

232 C. *On or before July 1 of each year, the Department of State Police shall transmit to the Department of*  
 233 *Elections by electronic means a list of all persons convicted of a felony and sentenced to a period of*  
 234 *incarceration, regardless of when the conviction occurred. The list shall be in a format mutually agreed upon*  
 235 *by the Commissioner of Elections and the Department of State Police and shall contain, at a minimum, the*  
 236 *information required in clauses (i) through (vi) of subsection A for monthly lists. Upon receipt of the annual*  
 237 *list, the Department shall compare the contents of the list to the list of all registered voters maintained on the*  
 238 *voter registration system and shall notify the appropriate general registrar of the felony conviction of any*  
 239 *registered voter. The general registrars shall have access to the information in the lists to carry out their duties*  
 240 *pursuant to § 24.2-427.*

241 **§ 24.2-409.1. Department of Elections to transmit information pertaining to persons convicted of a**  
 242 **felony in federal court.**

243 Upon receipt of a notice of a felony conviction *and imposition of a sentence of incarceration* sent by a  
 244 United States attorney pursuant to the National Voter Registration Act (52 U.S.C. § 20501 et seq.), the  
 245 Department shall notify the appropriate general registrar of the conviction *and sentence of incarceration*.

246 **§ 24.2-409.2. Information regarding pending releases from incarceration; deadlines for transmittal,**  
 247 **processing.**

248 A. The Department of Corrections and the Compensation Board shall transmit to the Department of  
 249 Elections certain information related to a person who has been released from incarceration as follows:

250 1. For any person released in the period beginning on the first day of a month through the fifteenth day of  
 251 that month, not later than the sixteenth day of such month; and

252 2. For any person released in the period beginning on the sixteenth day of a month through the last day of  
 253 that month, not later than the first day of the following month.

254 Such information shall be in a format specified by the Department of Elections and shall include, if  
 255 available, the incarcerated person's name; address; county, city, or town of residence; social security  
 256 number; date and place of birth; and date of release from incarceration.

257 B. Upon the receipt of information transmitted pursuant to subsection A, the Department of Elections  
 258 shall promptly process the information and make all necessary updates in the Virginia voter registration  
 259 system to permit a formerly incarcerated person to register to vote.

260 **§ 24.2-410. Clerks of circuit courts to furnish lists of certain adjudications.**

261 The clerk of each circuit court shall furnish monthly to the Department of Elections a complete list of all  
 262 persons adjudicated ~~incapacitated~~ *to lack the capacity to understand the act of voting* pursuant to Chapter 20  
 263 (§ 64.2-2000 et seq.) of Title 64.2 or whose ~~incapacity~~ *lack of capacity to understand the act of voting* has  
 264 been recognized pursuant to § 64.2-2115; ~~and therefore "mentally incompetent" for purposes of this title~~  
 265 ~~unless the court order specifically provides otherwise~~, during the preceding month or a statement that no  
 266 adjudications have occurred that month. The list shall contain each such person's name; address; county, city,  
 267 or town of residence; social security number, if any; date and place of birth; and date of adjudication. The  
 268 Commissioner of Elections and the Executive Secretary shall determine the procedure for furnishing such  
 269 lists, which may be by electronic means. The Department shall transmit the information from the list to the  
 270 appropriate general registrars.

271 **§ 24.2-418. Application for registration.**

272 A. Each applicant to register shall provide, subject to felony penalties for making false statements  
 273 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically  
 274 disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed  
 275 by the State Board.

276 The form of the application to register shall require the applicant to provide the following information:  
 277 full name; gender; date of birth; social security number, if any; whether the applicant is presently a United  
 278 States citizen; address of residence in the precinct; place of last previous registration to vote; ~~and~~ whether the  
 279 applicant has ever been adjudicated ~~incapacitated and disqualified to vote~~ *to lack the capacity to understand*  
 280 *the act of voting, and if so, whether the applicant's capacity has been reestablished* ~~or convicted of a felony,~~  
 281 ~~and if so, whether the applicant's right to vote has been restored; and whether the applicant is serving a~~  
 282 *sentence of incarceration for a felony conviction at the time the application is completed.* The form shall  
 283 contain a statement that whoever votes more than once in any election in the same or different jurisdictions is  
 284 guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.2 or 24.2-411.3, the  
 285 registration application shall not be pre-populated with information the applicant is required to provide.

286 The form of the application to register shall request that the applicant provide his telephone number and  
 287 email address, but no application shall be denied for failure to provide such information.

288 B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to  
 289 his residence street address, a post office box address located within the Commonwealth to be included in  
 290 lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant  
 291 to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to  
 292 § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter  
 293 shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under  
 294 this subsection.

295 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but  
 296 excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

297 2. Any party granted a protective order issued by or under the authority of any court of competent  
 298 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

299 3. Any party who has furnished a signed written statement by the party that he is in fear for his personal  
 300 safety from another person who has threatened or stalked him;

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

302 5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired attorney  
 303 employed by the United States Attorney General or Virginia Attorney General;

304 6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of

305 Title 63.2;

306 7. Any person who is or has been one of the Commonwealth's electors for President and Vice President of  
307 the United States; and

308 8. Any person who is or has been a member of the State Board of Elections, the Commissioner of  
309 Elections, an employee of the Department of Elections, a member of a local electoral board pursuant to  
310 § 24.2-106, a general registrar pursuant to § 24.2-110, a deputy registrar or employee in the office of the  
311 general registrar pursuant to § 24.2-112, or an officer of election pursuant to § 24.2-115.

312 C. If the applicant formerly resided in another state, the general registrar shall send the information  
313 contained in the applicant's registration application to the appropriate voter registration official or other  
314 authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

315 **§ 24.2-418.2. Registration by persons previously incarcerated; safety net.**

316 A. Any person who was convicted of a felony and sentenced to a period of incarceration for such felony  
317 conviction shall be entitled to register to vote once released from incarceration. When registering to vote,  
318 such person shall not be required to present evidence, including a court order or other documentation, that  
319 he is entitled to register to vote.

320 B. If the Virginia voter registration system indicates an applicant who was previously incarcerated is  
321 ineligible to register to vote due to his sentence of incarceration for a felony conviction, but the applicant is  
322 otherwise qualified, the general registrar shall promptly notify the applicant. Notice shall be in writing and  
323 shall inform the applicant that he may provide documentation stating that he has been released from  
324 incarceration for a specified felony conviction in order to be registered to vote. Such an applicant who  
325 provides documentation stating that he has been released from incarceration for a specified felony conviction  
326 shall be registered to vote.

327 **§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified**  
328 **to vote.**

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

335 B. The general registrar shall promptly cancel the registration of (i) all persons known by him to be  
336 deceased; (ii) all persons known by him to be disqualified to vote by reason of a felony conviction *and*  
337 *sentence of incarceration for such conviction or an adjudication of incapacity that the person lacks the*  
338 *capacity to understand the act of voting*; (iii) all persons known by him not to be United States citizens by  
339 reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of  
340 Elections based on information received from the Systematic Alien Verification for Entitlements Program  
341 (SAVE Program) pursuant to subsection E of § 24.2-404 and in accordance with the requirements of  
342 subsection C; (iv) all persons for whom a notice has been received, signed by the voter, or from the  
343 registration official of another jurisdiction that the voter has moved from the Commonwealth; and (v) all  
344 persons for whom a notice has been received, signed by the voter, or from the registration official of another  
345 jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in  
346 Virginia. The notice received in clauses (iv) and (v) shall be considered as a written request from the voter to  
347 have his registration cancelled. A voter's registration may be cancelled at any time during the year in which  
348 the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall  
349 provide notice of any cancellation to the person whose registration is cancelled, by mail to the address listed  
350 in the voter's registration record and by email to the email address provided on the voter's registration  
351 application, if one was provided.

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

361 D. The general registrar shall (i) process the Department's most recent list of persons convicted of felonies  
362 *and sentenced to a period of incarceration* within 21 to 14 days before any primary or general election, (ii)  
363 cancel the registration of any registered voter shown to have been convicted of a felony ~~who has not provided~~  
364 ~~evidence that his right to vote has been restored~~ *and sentenced to a period of incarceration*, and (iii) send  
365 prompt notice to the person of the cancellation of his registration. If it appears that any registered voter has  
366 made a false statement on his registration application with respect to his ~~having been convicted of serving a~~

367 *period of incarceration for a felony conviction*, the general registrar shall report the fact to the attorney for  
 368 the Commonwealth for prosecution under § 24.2-1016 for a false statement made on his registration  
 369 application.

370 E. The general registrar may cancel the registration of any person for whom a notice has been submitted  
 371 to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18  
 372 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved  
 373 from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at  
 374 both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most  
 375 recently been registered in Virginia. No general registrar may cancel registrations under this authority while  
 376 the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this  
 377 authority of any person entitled to register under the provisions of subsection A of § 24.2-420.1, and shall  
 378 reinstate the registration of any otherwise qualified voter covered by subsection A of § 24.2-420.1 who  
 379 applies to vote within four years of the date of cancellation.

380 **§ 53.1-5. Powers and duties of Board.**

381 The Board shall have the following powers and duties:

382 1. To develop and establish operational and fiscal standards governing the operation of local, regional, and  
 383 community correctional facilities;

384 2. To advise the Governor and Director on matters relating to corrections;

385 3. To make, adopt and promulgate such rules and regulations as may be necessary to carry out the  
 386 provisions of this title and other laws of the Commonwealth pertaining to local, regional, and community  
 387 correctional facilities. The Board, when promulgating regulations and adopting any policy or guidance  
 388 document related to the enforcement of any minimum standards applicable to local, regional, and community  
 389 correctional facilities, shall expressly and specifically include such items in its published agenda for meetings  
 390 of the Board or any of its subcommittees. No standard, policy, or guidance document may be promulgated,  
 391 amended, or rescinded in entirety or in part without compliance with this article;

392 4. To ensure the development of programs to educate citizens and elicit public support for the activities of  
 393 the Department;

394 5. To develop and implement policies and procedures for the review of the death of any inmate that the  
 395 Board determines warrants review that occurs in any local, regional, or community correctional facility. Such  
 396 policies and procedures shall incorporate the Board's authority under § 53.1-6 to ensure the production of  
 397 evidence necessary to conduct a thorough review of any such death. Notwithstanding any other provision of  
 398 law, the Board shall adhere to procedures of the Administrative Process Act (§ 2.2-4000 et seq.) in  
 399 promulgating such policies and procedures;

400 6. To establish minimum standards for health care services, including medical, dental, pharmaceutical,  
 401 and behavioral health services, in local, regional, and community correctional facilities and procedures for  
 402 enforcing such minimum standards, with the advice of and guidance from the Commissioner of Behavioral  
 403 Health and Developmental Services and State Health Commissioner or their designees. Notwithstanding any  
 404 other provision of law, the Board shall adhere to procedures of the Administrative Process Act (§ 2.2-4000 et  
 405 seq.) in promulgating such policies and procedures. Such minimum standards shall require that each local,  
 406 regional, and community correctional facility submit a standardized quarterly continuous quality  
 407 improvement report documenting the delivery of health care services, along with any improvements made to  
 408 those services, to the Board. The Board shall make such reports available to the public on its website. The  
 409 Board may determine that any local, regional, or community correctional facility that is accredited by the  
 410 American Correctional Association or National Commission on Correctional Health Care meets such  
 411 minimum standards solely on the basis of such facility's accreditation status; however, without exception, the  
 412 requirement that each local, regional, and community correctional facility submit a standardized quarterly  
 413 continuous quality improvement report to the Board shall be a mandatory minimum standard;

414 7. To develop and implement policies for the accommodation in local, regional, and community  
 415 correctional facilities of inmate participation in telehealth appointments, which shall include policies on  
 416 designating a private space for such telehealth appointments to occur; ~~and~~

417 8. To report annually on or before December 1 to the General Assembly and the Governor on the results  
 418 of the inspections and audits of local, regional, or community correctional facilities conducted pursuant to  
 419 § 53.1-68. The report shall include (i) a summary of the results of such inspections and audits, including any  
 420 trends identified by such inspections and audits and the frequency of violations of each standard established  
 421 for local, regional, or community correctional facilities, and (ii) any recommendations for changes to the  
 422 standards established for local, regional, or community correctional facilities to improve the operations,  
 423 safety, and security of local, regional, or community correctional facilities; *and*

424 9. *To direct the sheriffs of all local jails and the jail superintendents of all regional jails to provide to any*  
 425 *person being released from incarceration, on the date of his release, (i) an application to register to vote with*  
 426 *instructions for returning the application by mail and (ii) information on how to register to vote by electronic*  
 427 *means or in person, both in the form prescribed by the State Board of Elections for this purpose. Any person*  
 428 *being released from incarceration for a felony conviction shall also be provided documentation stating that*

429 *he has been released from incarceration for a specified felony conviction for voter registration purposes*  
430 *pursuant to § 24.2-418.2.*

431 **§ 53.1-10. Powers and duties of Director.**

432 The Director shall be the chief executive officer of the Department and shall have the following duties and  
433 powers:

434 1. To supervise and manage the Department and its system of state correctional facilities;

435 2. To implement the standards and goals of the Board as formulated for local and community correctional  
436 programs and facilities and lock-ups;

437 3. To employ such personnel and develop and implement such programs as may be necessary to carry out  
438 the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of  
439 appropriations made therefor by the General Assembly;

440 4. To establish and maintain a general system of schools for persons committed to the institutions and  
441 community-based programs for adults as set forth in § 53.1-67.9. Such system shall include, as applicable,  
442 elementary, secondary, postsecondary, career and technical education, adult, and special education schools.

443 a. The Director shall employ a Superintendent who will oversee the operation of educational and  
444 vocational programs in all institutions and community-based programs for adults as set forth in § 53.1-67.9  
445 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall  
446 not be eligible to receive state funds appropriated for direct aid to public education.

447 b. When the Department employs a teacher licensed by the Board of Education to provide instruction in  
448 the schools of the correctional centers, the Department of Human Resource Management shall establish  
449 salary schedules for the teachers which endeavor to be competitive with those in effect for the school division  
450 in which the correctional center is located.

451 c. The Superintendent shall develop a functional literacy program for inmates testing below a selected  
452 grade level, which shall be at least at the twelfth grade level. The program shall include guidelines for  
453 implementation and test administration, participation requirements, criteria for satisfactory completion, and a  
454 strategic plan for encouraging enrollment at an institution of higher education or an accredited vocational  
455 training program or other accredited continuing education program.

456 d. For the purposes of this section, the term "functional literacy" shall mean those educational skills  
457 necessary to function independently in society, including, but not limited to, reading, writing, comprehension,  
458 and arithmetic computation.

459 e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent  
460 shall create a system for identifying prisoners with learning disabilities.

461 5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the  
462 Department's duties and the execution of its powers under this title, including, but not limited to, contracts  
463 with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and  
464 contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of  
465 water or wastewater treatment services or both as necessary for the expansion or construction of correctional  
466 facilities;

467 b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary  
468 or incidental to the performance of the Department's duties and the execution of its powers under this title,  
469 upon determining that it shall be desirable to contract with a public or private entity for the provision of  
470 community-based residential services pursuant to Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the  
471 local governing body of the jurisdiction in which the facility is to be located of the proposal and of the  
472 facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such  
473 locality when an offender is placed in the facility at issue;

474 c. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary  
475 or incidental to the performance of the Department's duties and the execution of its powers under this title,  
476 upon determining that it is necessary to transport Virginia prisoners through or to another state and for other  
477 states to transport their prisoners within the Commonwealth, the Director may execute reciprocal agreements  
478 with other states' corrections agencies governing such transports that shall include provisions allowing each  
479 state to retain authority over its prisoners while in the other state.

480 6. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United  
481 States government and agencies and instrumentalities thereof, and any other source, subject to the approval of  
482 the Governor. To these ends, the Director shall have the power to comply with such conditions and execute  
483 such agreements as may be necessary, convenient or desirable;

484 7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are  
485 adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or  
486 ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of  
487 and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such  
488 data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General  
489 Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as  
490 provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative

491 documents and reports;

492 8. To make application to the appropriate state and federal entities so as to provide any prisoner who is  
493 committed to the custody of the state a Department of Motor Vehicles approved identification card that  
494 would expire 90 days from issuance, a copy of his birth certificate if such person was born in the  
495 Commonwealth, and a social security card from the Social Security Administration;

496 9. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of  
497 all identified criminal gang members incarcerated in state correctional institutions. The list shall contain  
498 identifying information for each criminal gang member, as well as his criminal record;

499 10. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that  
500 occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain  
501 identifying information for each criminal gang member as well as his criminal record;

502 11. To designate employees of the Department with internal investigations authority to have the same  
503 power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior  
504 affecting the operations of the Department. Such employees shall be subject to any minimum training  
505 standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement  
506 officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section  
507 shall be construed to grant the Department any authority over the operation and security of local jails not  
508 specified in any other provision of law. The Department shall investigate allegations of criminal behavior in  
509 accordance with a written agreement entered into with the Department of State Police. The Department shall  
510 not investigate any action falling within the authority vested in the Office of the State Inspector General  
511 pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the Office of the  
512 State Inspector General;

513 12. To prescribe and enforce rules prohibiting the possession of obscene materials, as defined in Article 5  
514 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities;

515 13. To develop and administer a survey of each correctional officer, as defined in § 53.1-1, who resigns, is  
516 terminated, or is transitioned to a position other than correctional officer for the purpose of evaluating  
517 employment conditions and factors that contribute to or impede the retention of correctional officers;

518 14. To promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to  
519 effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research, as defined in  
520 § 32.1-162.16, to be conducted or authorized by the Department. The regulations shall require the human  
521 research committee to submit to the Governor, the General Assembly, and the Director or his designee at  
522 least annually a report on the human research projects reviewed and approved by the committee and shall  
523 require the committee to report any significant deviations from the proposals as approved;

524 15. To provide, pursuant to § 24.2-314, to the Division of Legislative Services, not later than July 1 of any  
525 year in which the decennial census is taken and in a format specified by the Division of Legislative Services,  
526 information regarding each person incarcerated in a state correctional facility on April 1 of that year. Such  
527 information shall include, for each person incarcerated, (i) a unique identifier, other than his name or offender  
528 identification number, assigned by the Director; (ii) his residential street address at the time of incarceration,  
529 or other legal residence, if known; (iii) his race, his ethnicity as identified by him, and whether he is 18 years  
530 of age or older; and (iv) the street address of the correctional facility in which he was incarcerated on April 1  
531 of that year; ~~and~~

532 16. To develop and implement policies for the accommodation in state correctional facilities of inmate  
533 participation in telehealth appointments, which shall include policies on designating a private space for such  
534 telehealth appointments to occur; *and*

535 *17. To provide to any person being released from incarceration, on the date of his release, (i) an*  
536 *application to register to vote with instructions for returning the application by mail; (ii) information*  
537 *regarding how to register to vote by electronic means or in person, in the form prescribed by the State Board*  
538 *of Elections for this purpose; and (iii) documentation stating that he has been released from incarceration for*  
539 *a specified felony conviction for voter registration purposes pursuant to § 24.2-418.2.*

540 **§ 64.2-2000. Definitions.**

541 As used in this chapter, unless the context requires a different meaning:

542 "Advance directive" shall have the same meaning as provided in § 54.1-2982.

543 "Annual report" means the report required to be filed by a guardian pursuant to § 64.2-2020.

544 "Conservator" means a person appointed by the court who is responsible for managing the estate and  
545 financial affairs of an incapacitated person and, where the context plainly indicates, includes a "limited  
546 conservator" or a "temporary conservator." "Conservator" includes (i) a local or regional program designated  
547 by the Department for Aging and Rehabilitative Services as a public conservator pursuant to Article 6  
548 (§ 51.5-149 et seq.) of Chapter 14 of Title 51.5 or (ii) any local or regional tax-exempt charitable organization  
549 established pursuant to § 501(c)(3) of the Internal Revenue Code to provide conservatorial services to  
550 incapacitated persons. Such tax-exempt charitable organization shall not be a provider of direct services to  
551 the incapacitated person. If a tax-exempt charitable organization has been designated by the Department for  
552 Aging and Rehabilitative Services as a public conservator, it may also serve as a conservator for other

553 individuals.

554 "Estate" includes both real and personal property.

555 "Facility" means a state or licensed hospital, training center, psychiatric hospital, or other type of  
 556 residential or outpatient mental health or mental retardation facility. When modified by the word "state,"  
 557 "facility" means a state hospital or training center operated by the Department of Behavioral Health and  
 558 Developmental Services, including the buildings and land associated with it.

559 "Guardian" means a person appointed by the court who has the powers and duties set out in § 64.2-2019,  
 560 or § 63.2-1609 if applicable, and who is responsible for the personal affairs of an incapacitated person,  
 561 including responsibility for making decisions regarding the person's support, care, health, safety, habilitation,  
 562 education, therapeutic treatment, and, if not inconsistent with an order of involuntary admission, residence.  
 563 Where the context plainly indicates, the term includes a "limited guardian" or a "temporary guardian." The  
 564 term includes (i) a local or regional program designated by the Department for Aging and Rehabilitative  
 565 Services as a public guardian pursuant to Article 6 (§ 51.5-149 et seq.) of Chapter 14 of Title 51.5 or (ii) any  
 566 local or regional tax-exempt charitable organization established pursuant to § 501(c)(3) of the Internal  
 567 Revenue Code to provide guardian services to incapacitated persons. Such tax-exempt charitable organization  
 568 shall not be a provider of direct services to the incapacitated person. If a tax-exempt charitable organization  
 569 has been designated by the Department for Aging and Rehabilitative Services as a public guardian, it may  
 570 also serve as a guardian for other individuals.

571 "Guardian ad litem" means an attorney appointed by the court to represent the interests of the respondent  
 572 and whose duties include evaluation of the petition for guardianship or conservatorship and filing a report  
 573 with the court pursuant to § 64.2-2003.

574 "Incapacitated person" means an adult who has been found by a court to be incapable of receiving and  
 575 evaluating information effectively or responding to people, events, or environments to such an extent that the  
 576 individual lacks the capacity to (i) meet the essential requirements for his health, care, safety, or therapeutic  
 577 needs without the assistance or protection of a guardian or (ii) manage property or financial affairs or provide  
 578 for his support or for the support of his legal dependents without the assistance or protection of a conservator.  
 579 A finding that the individual displays poor judgment alone shall not be considered sufficient evidence that the  
 580 individual is an incapacitated person within the meaning of this definition. A finding that a person is  
 581 incapacitated shall *not* be construed as a finding that the person is "~~mentally incompetent~~" as that term is used  
 582 ~~in~~ *lacks the capacity to understand the act of voting for purposes of* Article II, Section 1 of the Constitution of  
 583 Virginia and Title 24.2 unless the court order entered pursuant to this chapter specifically provides otherwise.

584 "Individualized education plan" or "IEP" means a plan or program developed annually to ensure that a  
 585 child who has a disability identified under the law and is attending an elementary or secondary educational  
 586 institution receives specialized instruction and related services as provided by 20 U.S.C. § 1414.

587 "Individual receiving services" or "individual" means a current direct recipient of public or private mental  
 588 health, developmental, or substance abuse treatment, rehabilitation, or habilitation services and includes the  
 589 terms "consumer," "patient," "resident," "recipient," or "client."

590 "Limited conservator" means a person appointed by the court who has only those responsibilities for  
 591 managing the estate and financial affairs of an incapacitated person as specified in the order of appointment.

592 "Limited guardian" means a person appointed by the court who has only those responsibilities for the  
 593 personal affairs of an incapacitated person as specified in the order of appointment.

594 "Mental illness" means a disorder of thought, mood, emotion, perception, or orientation that significantly  
 595 impairs judgment, behavior, capacity to recognize reality, or ability to address basic life necessities and  
 596 requires care and treatment for the health, safety, or recovery of the individual or for the safety of others.

597 "Petition" means the document filed with a circuit court to initiate a proceeding to appoint a guardian or  
 598 conservator.

599 "Power of attorney" has the same meaning ascribed to it in § 64.2-1600.

600 "Property" includes both real and personal property.

601 "Respondent" means an allegedly incapacitated person for whom a petition for guardianship or  
 602 conservatorship has been filed.

603 "Supported decision-making agreement" has the same meaning ascribed to it in § 37.2-314.3.

604 "Temporary conservator" means a person appointed by a court for a limited duration of time as specified  
 605 in the order of appointment.

606 "Temporary guardian" means a person appointed by a court for a limited duration of time as specified in  
 607 the order of appointment.

608 "Transition plan" means the plan that is required as part of the IEP used to help students and families  
 609 prepare for the future after the student reaches the age of majority.

610 **§ 64.2-2009. Court order of appointment; limited guardianships and conservatorships.**

611 A. The court's order appointing a guardian or conservator shall (i) state the nature and extent of the  
 612 person's incapacity; (ii) define the powers and duties of the guardian or conservator so as to permit the  
 613 incapacitated person to care for himself and manage property to the extent he is capable; (iii) specify whether  
 614 the appointment of a guardian or conservator is limited to a specified length of time, as the court in its

615 discretion may determine; (iv) *specify whether the person has been found disqualified to vote due to lack of*  
 616 *capacity for the purposes of Article II, Section 1 of the Constitution of Virginia in accordance with the*  
 617 *provisions of this chapter and any other specific findings of fact and conclusions of law in support of such*  
 618 *finding of lack of capacity;* (v) *specify the other legal disabilities, if any, of the person in connection with the*  
 619 *finding of incapacity; including but not limited to mental competency for purposes of Article II, § 1 of the*  
 620 *Constitution of Virginia or Title 24.2;* ~~(v)~~ (vi) include any limitations deemed appropriate following  
 621 consideration of the factors specified in § 64.2-2007; ~~(vi)~~ (vii) set the bond of the guardian and the bond and  
 622 surety, if any, of the conservator; and ~~(vii)~~ (viii) where a petition is brought prior to the incapacitated person's  
 623 eighteenth birthday, pursuant to subsection C of § 64.2-2001, *specify* whether the order shall take effect  
 624 immediately upon entry or on the incapacitated person's eighteenth birthday.

625 A1. Beginning July 1, 2023, the court shall set a schedule in the order of appointment for periodic review  
 626 hearings, to be held no later than one year after the initial appointment and no later than every three years  
 627 thereafter, unless the court orders that such hearings are to be waived because they are unnecessary or  
 628 impracticable or that such hearings shall be held on such other schedule as the court shall determine. Any  
 629 such determination to waive the hearing or use a schedule differing from that prescribed in this subsection  
 630 shall be supported in the order and address the reason for such determination, including (i) the likelihood that  
 631 the respondent's condition will improve or the respondent will regain capacity, (ii) whether concerns or  
 632 questions were raised about the suitability of the person appointed as a guardian or conservator at the time of  
 633 the initial appointment, and (iii) whether the appointment of a guardian or conservator or the appointment of  
 634 the specifically appointed guardian or conservator was contested by the respondent or another party.

635 The court shall not waive the initial periodic review hearing scheduled pursuant to this subsection where  
 636 the petitioner for guardianship or conservatorship is a hospital, convalescent home, or certified nursing  
 637 facility licensed by the Department of Health pursuant to § 32.1-123; an assisted living facility, as defined in  
 638 § 63.2-100, or any other similar institution; or a health care provider other than a family member. If the  
 639 petitioner is a hospital, convalescent home, or certified nursing facility licensed by the Department of Health  
 640 pursuant to § 32.1-123 or an assisted living facility as defined in § 63.2-100, nothing in this chapter shall  
 641 require such petitioner to attend any periodic review hearing.

642 Any person may file a petition, which may be on a form developed by the Office of the Executive  
 643 Secretary of the Supreme Court of Virginia, to hold a periodic review hearing prior to the scheduled date set  
 644 forth in the order of appointment. The court shall hold an earlier hearing upon good cause shown. At such a  
 645 hearing, the court shall review the schedule set forth in the order of appointment and determine whether  
 646 future periodic review hearings are necessary or may be waived.

647 A2. If the court has ordered a hearing pursuant to subsection A1, the court shall appoint a guardian ad  
 648 litem, who shall conduct an investigation in accordance with the stated purpose of the hearing and file a  
 649 report. The incapacitated person has a right to be represented by counsel, and the provisions of § 64.2-2006  
 650 shall apply, mutatis mutandis. The guardian ad litem shall provide notice of the hearing to the incapacitated  
 651 person and to all individuals entitled to notice as identified in the court order of appointment. Fees and costs  
 652 shall be paid in accordance with the provisions of §§ 64.2-2003 and 64.2-2008. The court shall enter an order  
 653 reflecting any findings made during the review hearing and any modification to the guardianship or  
 654 conservatorship.

655 B. The court may appoint a limited guardian for an incapacitated person who is capable of addressing  
 656 some of the essential requirements for his care for the limited purpose of medical decision making, decisions  
 657 about place of residency, or other specific decisions regarding his personal affairs. The court may appoint a  
 658 limited conservator for an incapacitated person who is capable of managing some of his property and  
 659 financial affairs for limited purposes that are specified in the order.

660 C. Unless the guardian has a professional relationship with the incapacitated person or is employed by or  
 661 affiliated with a facility where the person resides, the court's order may authorize the guardian to consent to  
 662 the admission of the person to a facility pursuant to § 37.2-805.1, upon finding by clear and convincing  
 663 evidence that (i) the person has severe and persistent mental illness that significantly impairs the person's  
 664 capacity to exercise judgment or self-control, as confirmed by the evaluation of a licensed psychiatrist; (ii)  
 665 such condition is unlikely to improve in the foreseeable future; and (iii) the guardian has formulated a plan  
 666 for providing ongoing treatment of the person's illness in the least restrictive setting suitable for the person's  
 667 condition.

668 D. A guardian need not be appointed for a person who has appointed an agent under an advance directive  
 669 executed in accordance with the provisions of Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1,  
 670 unless the court determines that the agent is not acting in accordance with the wishes of the principal or there  
 671 is a need for decision making outside the purview of the advance directive. A guardian need not be appointed  
 672 for a person where a health care decision is made pursuant to, and within the scope of, the Health Care  
 673 Decisions Act (§ 54.1-2981 et seq.).

674 A conservator need not be appointed for a person (i) who has appointed an agent under a durable power of  
 675 attorney, unless the court determines pursuant to the Uniform Power of Attorney Act (§ 64.2-1600 et seq.)  
 676 that the agent is not acting in the best interests of the principal or there is a need for decision making outside

677 the purview of the durable power of attorney or (ii) whose only or major source of income is from the Social  
678 Security Administration or other government program and who has a representative payee.

679 E. All orders appointing a guardian shall include the following statements in conspicuous bold print in at  
680 least 14-point type:

681 1. Pursuant to § 64.2-2009 of the Code of Virginia, (name of guardian), is hereby appointed as guardian of  
682 (name of respondent) with all duties and powers granted to a guardian pursuant to § 64.2-2019 of the Code of  
683 Virginia, including but not limited to: (enter a statement of the rights removed and retained, if any, at the time  
684 of appointment; whether the appointment of a guardian is a full guardianship, public guardianship pursuant to  
685 § 64.2-2010 of the Code of Virginia, limited guardianship pursuant to § 64.2-2009 of the Code of Virginia, or  
686 temporary guardianship; and the duration of the appointment).

687 2. Pursuant to the provisions of subsection E of § 64.2-2019 of the Code of Virginia, a guardian, to the  
688 extent possible, shall encourage the incapacitated person to participate in decisions, shall consider the  
689 expressed desires and personal values of the incapacitated person to the extent known, and shall not restrict  
690 an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the  
691 incapacitated person has an established relationship, unless such restriction is reasonable to prevent physical,  
692 mental, or emotional harm to or financial exploitation of such incapacitated person and after consideration of  
693 the expressed wishes of the incapacitated person. Such restrictions shall only be imposed pursuant to  
694 § 64.2-2019.1.

695 3. Pursuant to § 64.2-2020 of the Code of Virginia, an annual report shall be filed by the guardian with the  
696 local department of social services for the jurisdiction where the incapacitated person resides.

697 4. Pursuant to § 64.2-2012 of the Code of Virginia, all guardianship orders are subject to petition for  
698 restoration of the incapacitated person to capacity; modification of the type of appointment or areas of  
699 protection, management, or assistance granted; or termination of the guardianship. In lieu of such a petition,  
700 if the person subject to the guardianship is not represented by counsel, such person may initiate the process  
701 by sending informal written communications to the court. All orders appointing a guardian, conservator, or  
702 both shall include the current mailing address, email address, and physical address of the court issuing the  
703 order and to which such informal written communication shall be directed.

704 **2. That Chapter 12.1 (§§ 53.1-231.1 and 53.1-231.2) of Title 53.1 of the Code of Virginia is repealed.**

705 **3. That if amendments to Article II, Section 1 of the Constitution of Virginia relating to the**  
706 **qualifications of voters and persons who are not entitled to vote due to (i) a period of incarceration for**  
707 **a felony conviction or (ii) an adjudication that such person lacks the capacity to understand the act of**  
708 **voting are approved by a majority of those voting on the amendments at the November 3, 2026, general**  
709 **election, the provisions of this act shall become effective on January 1, 2027.**