★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

# GUIDELINES FOR CONDUCTING VOTER REGISTRATION DRIVES

## Introduction and Notice of Training Requirement

These guidelines outline the several requirements imposed by the Code of Virginia and instructions and best practices as prescribed by the Department of Elections (ELECT) on how to effectively and lawfully conduct a voter registration drive. Helping voters register – like driving or filing taxes – is a serious undertaking. Training and reviewing these guidelines before launching your registration drive will ensure compliance with the law and success in your efforts.

Please note that state law requires any group or individual that requests 25 or more voter registration applications from ELECT or a local general registrar's office to register and complete training approved by the State Board of Elections (SBE) (see page 3 for more information). Groups that print and distribute their own voter registration applications when conducting drives are also strongly encouraged to complete the training to protect both applicants and the individuals working on the drive.

Voter registration applications can be requested in person at the local general registrar's office or by calling ELECT at 1-800-552-9745. Training classes are offered online, at the local voter registration office or by signing up for an in-person class which are held at ELECT's offices. Please visit ELECT's website (www.elections.virginia.gov) for information on upcoming training sessions.

**Please read these instructions carefully as failure to follow the requirements laid out by state law may result in criminal penalties.** Do not hesitate to contact the Department of Elections (ELECT) or a local voter registration office if you are uncertain on the laws and proper procedures. ELECT thanks you for your efforts to increase voter registration and participation in the Commonwealth of Virginia.

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# Registration and Training Requirements for Drives

✓ Virginia law requires training and registration for some individuals and groups conducting voter registration drives. Specifically, groups and individuals that obtain 25 or more voter registration applications from ELECT or a local registrar's office must register with ELECT or in person at the general registrar and take training (Va. Code § 24.2-416.6). Groups printing their own registration applications and engaging in registration drives are also strongly encouraged to register and receive this training.

✓ Both the registration process and training can be completed online or in-person at the Department of Elections or a local voter registration office.

At least one agent of the organization seeking to obtain applications must complete the training and certify that that the organization will require training for all persons collecting completed voter registration applications from applicants on behalf of the organization. . However, if any other individual requests more than 25 applications (even if they claim to represent a group which has already received the training), the individual is still required to complete the training prior to receiving the requested applications. In sum, each individual or agent requesting applications must receive the training. Other groups and individuals conducting voter registration drives that obtain their registration applications through other means are strongly encouraged, but not required, to receive training prior to conducting a drive.

✓ Upon completion of in-person training, the group or individual will receive a certificate stating that they have completed the required training for conducting voter registration drives in the Commonwealth. The certification is valid until June 30th each year upon which time the training must be completed again in order to renew the certification.

✓ For more information on the training requirements please contact your local voter registration office or ELECT at 1-800-552-9745. The registration and training module can be accessed at www.elections.virginia.gov/.

# Rules of the Road: Best Practices Overview

1. Make sure the organization you represent is (1) registered with the Department of Elections (this can be checked by contacting ELECT at 1-800-552-9745), and (2) has taken state approved training about your legal responsibilities. For training and registration requirements see page 3 and the forms at the end of this document. These requirements apply if an individual or an organization receives 25 or more applications from the Department of Elections or a local voter registration office. Other groups are encouraged to receive training.

2. When approaching individuals, introduce yourself and the organization you represent, explain your purpose, the qualifications to vote in Virginia, and whether or not you will deliver the completed application for the applicant. You should inform voters that Virginia now has online voter registration and address update available on the ELECT website to those with a Virginia driver's license or DMV ID card. This information will be helpful to an applicant that wishes to ensure their application is delivered in real time directly to their local voter registration office.

3. Target only non-registered individuals who are qualified to vote or registered individuals who have outdated registration information such as those who moved and did not update their registration address.
   - ✓ Don't complete or accept applications for anyone who you know is not eligible to vote, such as a convicted felon whose rights have not been restored or a non-Virginia resident.
   - ✓ Don't attempt to re-register individuals who are registered and have up to date information. Registrants are able to check to their registration information and status online at www.elections.virginia.gov
   - ✓ You should leave the registration application with the individual if he/she is uncertain as to their registration status or his/her qualification to register to vote.

**<u>The Qualifications to Vote in Virginia:</u>**

- ✓ Citizen of the United States.
- ✓ Resident of Virginia (residency requires both domicile and a place of abode, i.e., an intention to remain indefinitely and a physical place to live.) Voters must provide a <u>current</u> residence address when completing the application. Note: special rules apply to military and overseas voters.
- ✓ Must be at least 18 years old on or before the date of the next general election. 17 year olds may register and vote in special elections and primaries, specifically the presidential primary.
- ✓ Unless rights have been restored, must not have been convicted of a felony nor have been judged by a court to be mentally incapacitated (either in VA or another state). Restoration required as to each disqualifying conviction or adjudication.

4. Instruct individual that the application **<u>must</u>** be completed **<u>neatly</u>**, **<u>accurately</u>**, and in its **<u>entirety</u>**.
   - ✓ Failure to provide the required information, including citizenship status, will result in the rejection of an applicant's registration.
   - ✓ Applicants are also required to list their previous registration address to help prevent registration in more than one jurisdiction or duplicate registrations. An applicant who is already registered in Virginia may update his record using an application that is

completed with the changed information and signed by the voter. A registrant may also update his or her address online with the online registration portal at the ELECT website if the registrant has a Virginia driver's license or DMV ID card.

- ✓ Intentionally making a materially false statement on the registration application may result in felony prosecution or other penalties.

5. Unless specifically directed by the applicant, do not complete the blanks on the registration application.

6. Respect the wishes of those who decline to register. It is unlawful to, by use of threats or force, interfere with or attempt to interfere with a person applying or declining to register to vote. Va. Code § 24.2-1002.

7. Those registering should be reminded that they are required to provide their identification at the polls. Please encourage individuals to contact their local registration office or visit www.elections.virginia.gov for more information on Virginia's voter identification requirements.

8. If you offer to deliver the application, you must complete and provide a receipt to the applicant upon his/her completion of the application. Va. Code § 24.2-418.1.

9. You must deliver completed applications to the local voter registration office or to ELECT within 10 days of signature date or by 5:00pm on the day of the next election's registration deadline, whichever date comes first. Va. Code § 24.2-1002.01.

10. To ensure the timely and accurate processing of registration applications, you should provide the appropriate local voter registration office with an alphabetical list detailing the name on every application delivered.

11. **You may be subject to criminal penalties if you fail to give the applicant a receipt to document your timely delivery of completed applications.**

    As of July 1, 2013, the Department of Elections provides online voter registration. An individual now has the ability to complete their application directly on ELECT's website (www.elections.virginia.gov). The application can be completed by the individual on a tablet or laptop.

    **Questions or Concerns?** Please contact ELECT at 1-800-552-9745 or by email at Info@.elections.virginia.gov.

# The Do's: Basic Instructions and Guidelines

1. **<u>Register with election officials, complete official training, and ensure training of volunteers and staff:</u>**
   - ✓ Please see Registration and Training Requirements on page 3 and forms at the end of the guidelines.
   - ✓ **When obtaining 25 or more voter registration applications from ELECT or a local registrar's office, such individuals or groups are required to register with ELECT (this is done by completing the required training either online, in the local voter registration office or in person at ELECT's offices). Groups printing their own registration applications are also strongly encouraged to register and receive this training. Va. Code § 24.2-416.6**
   - ✓ If you are the organizer, manager, or supervisor of your organization's voter registration drive, ensure that your volunteers and staff are trained on and knowledgeable about these guidelines and Virginia law on voter registration drives.
   - ✓ Voter registration drives are serious undertakings and it is imperative you follow the laws and guidelines that are designed to protect both the drive and the registration applicant. It is essential that all participants in your organization's voter registration drive are made aware of the rules, regulations, and guidelines related to voter registration drives as well as the legal consequences for failure to comply with Virginia and federal law.
   - ✓ When conducting drives your volunteers and staff should, at a minimum, keep the two page "Best Practices and Overview for Volunteers" document on pages 4 and 5 with them for quick reference.
   - ✓ Each section of the registration application asks for information that the applicant must provide in order for the voter registration office to accept the application and register the individual. It is important that you familiarize yourself with the application. Official training materials and these guidelines should answer any questions you may have regarding the registration application; however, if questions remain please contact ELECT or a local voter registration office.

2. **<u>You should only seek to register eligible Virginia residents who are not currently registered and those whose registration information is not up to date:</u>**
   - ✓ Please review the FAQ section below as it relates to qualifications to register to vote in Virginia. Individuals ineligible to vote should not be instructed to complete registration applications.
   - ✓ Individuals should complete a new application only to apply to register to vote or notify their local voter registration office of a change to their existing voter registration record such as a change in residence address or name.
   - ✓ You should not seek to re-register individuals who are already registered to vote and whose information is current. You should also not offer applications to individuals who indicate they are not residents of Virginia. Please see "The Don'ts" #1 below for additional information.

3. **<u>Drives must complete and provide applicants a receipt if offering to deliver a completed application:</u>**
   - ✓ If you offer to deliver the application, Virginia state law requires that voter

registration drives provide the applicants a receipt upon his/her completion of the voter registration application. Va. Code § 24.2-418.1.

- ✓ Attached to the registration application is a receipt that requests and/or displays the following information:
  - ▪ The receipt requests the individual to provide the name of the applicant, the name of the group or individual receiving the application, an email address and daytime telephone number of the group or individual delivering the application, and the date the application was completed.
  - ▪ The form also provides contact information for ELECT and notes that individuals should contact ELECT if the voter has not been notified of their registration status within 30 days. You may also wish to refer individuals to the contact information for local registration offices located on the back of the registration application instruction form.
- ✓ Your group may also prepare receipts that request and include the same information on the receipt on the registration application listed above.
- ✓ The receipt shall be completed by the person or group receiving the completed form from the applicant.
- ✓ **You may be subject to criminal penalties if you fail to give the applicant a receipt to document your timely delivery of completed applications.** Va. Code §§ 24.2-418.1, 24.2-1002.01, 24.2-1017 and 24.2-1018.

4. **Completed applications must be delivered to the appropriate local voter registration office or to ELECT within 10 days of the signature date or by 5:00pm the day of the next election's registration deadline, whichever is sooner:**
   - ✓ **Please note: It is more important that the applications be delivered *even if they are late.* Discarding voter registration applications is punishable as a misdemeanor under § 24.2-1002.01.**
   - ✓ Best practices dictate delivery of the completed applications to the appropriate local voter registration office. Virginia state law requires that individuals receiving completed applications timely deliver the application to the local voter registration office, ELECT, or designated voter registration agency. Va. Code § 24.2-1002.01.
   - ✓ The mailing or delivery of an application is timely if it is mailed or delivered within 10 days of the applicant's signature on the application **or** by 5:00pm on the voter registration deadline for the next election, **whichever comes first**.
   - ✓ Please be mindful of upcoming voter registration deadlines when circulating applications.

*****Failure to deliver completed applications is punishable as a Class 1 misdemeanor and can result in the failure of individuals to be timely registered and, consequently, disenfranchised. *****

- ✓ To the extent possible, please sort and deliver the registration applications to the voter registration office of the locality designated on the registration application. For example, one should not deliver a voter registration application for a Virginia Beach resident to the City of Richmond. Doing so delays the processing of the voter registration application and results in unnecessary costs to the registrar. If your drive is engaged in delivering voluminous numbers of registration applications on behalf of individuals residing in multiple localities, please contact ELECT to discuss the possible delivery of applications directly to ELECT.

- ✓ Please also be considerate of not "dumping" voluminous numbers of voter registration applications on the registrar offices immediately prior to the registration deadline. Doing so makes it very difficult for local election officials to timely process the applications prior to the election. Instead, you should submit applications to the appropriate voter registration office as you receive them. Waiting until the applicable deadlines risks delaying the processing of applications and may result in insufficient time to resolve any problems with registration applications.

5. **Drives Should Provide Alphabetical Listing of Applications with Registrar:**
   - ✓ ELECT requests that voter registration drives provide the appropriate local voter registration office with an alphabetical list detailing the name on every application delivered to the registrar. Such a list protects you and your applicants.

6. **Be Aware of and Communicate "New" Voter Identification Requirements to Applicants:**
   - ✓ Virginia law requires all voters to provide Photo identification when voting in person.
   - ✓ There are several forms of ID that are permitted and they include:
     - a valid Virginia driver's license;
     - a valid DMV issued Identification card;
     - ELECT issued Photo Identification card (for voting purposes only);
     - a valid college or university student photo identification card (college or institution must be located in Virginia) (Effective January 1, 2016, photo ID issued by any private school in Virginia will be an accepted form of ID for voting.)
     - any valid Federal, Virginia state or local government-issued ID; and
     - a valid employer issued photo ID card.
   - ✓ Department of Elections will provide photo identification card free of charge if applicant/voter does not possess a satisfactory photo identification. Please have applicants contact their local voter registration office should they need a photo identification, or if they have questions on identification requirements to vote in Virginia.

7. **Instruct volunteers that all voter registration applications must be completed neatly, accurately and in their entirety:**
   - ✓ Registration applications must be completed in their **entirety**. Incomplete applications may be rejected by the local voter registration office. It is important that applicants closely follow the instructions on the application to ensure all required fields are completed.
   - ✓ Please instruct applicants to print as **neatly** as possible. Illegible handwriting on applications is a common reason for rejection of applications and keying errors when inputting the individual's data into the statewide registration database.
   - ✓ The information provided must be **accurate**. There are criminal penalties for intentionally making a materially false statement on the application. Examples of materially false statements could include falsely affirming United States citizenship, legal age, not disclosing a prior felony conviction, residence address, or registration status in another state.
   - ✓ **It is extremely important that volunteers and registration drive participants understand the legal qualifications to vote in the Commonwealth and that they**

**convey that information to applicants when completing the voter registration application.** Please see the FAQ below addressing qualifications to register to vote in Virginia.

8. **The form requires that the assistant must be identified if he/she provides assistance to the applicant by signing the application (per signature line on the application) for an individual that is unable to sign due to physical disability. Va. Code § 24.2-418.**

# The Don'ts: Prohibitions and Penalties

1. **Drives must not intentionally solicit multiple applications from any one person or seek to re-register a voter whose registration information is current:**
   - ✓ Virginia law explicitly prohibits an individual from soliciting multiple registrations from any one person or intentionally falsifying a registration application. Violations are punishable as a Class 5 felony. Va. Code § 24.2-1002.01.
   - ✓ You should also make every effort to avoid handing in duplicate registrations or re-registering individuals whose registration information is current. Some practical solutions to avoid re-registering current voters include:
     - If a voter believes that he/she may already be registered to vote and that his/her information may be current, you should leave the registration application with the voter for the individual to mail in or inform the voter about the new online voter registration option after the individual has confirmed his/her status. Be sure to remind the applicant of upcoming registration deadlines.
     - Encourage the individual to verify his/her voter registration information online at http://www.elections.virginia.gov/register.
     - Asking the voter if he/she has his/her voter registration card available and to have the voter review it and verify the information is up to date.
     - Contact ELECT during normal business hours at 1-800-552-9745 or their local voter registration office. Staff can immediately confirm the voter's registration information.
     - Obtain lists of registered voters from ELECT to cross-check potential registrants. Please see FAQ below.

*****Intentionally submitting duplicate registrations may be a felony and delays the processing of new registration applications.*****

   - ✓ A registration application can be used to notify a local voter registration office of a change to the voter's record, including a change of address or a change of name. Please do accept applications from registered voters wishing to update their registration records.
   - ✓ **It is a Class 1 misdemeanor to communicate false information to a registered voter, including false information regarding the voter's registration status.** Va. Code § 24.2-1005.1. Accordingly, it is unlawful to inform a voter that he/she needs to re-register after the individual affirms that his/her registration information is up to date. Please review the registration laws and requirements and do not convey false information to voters. If you do not know, please refer potential registrants to the ELECT or any local general registrar for information.

2. **Do not complete or accept applications for anyone that you know is not eligible to vote:**
   - ✓ Please read the FAQ section to become familiarized with the qualifications to vote in Virginia.
   - ✓ Do not offer applications to felons whose rights have not been restored, non-residents of Virginia, and others you know are ineligible to vote. Similarly, do not provide advice that an individual may legally be registered to vote in multiple states.
   - ✓ Under no circumstances should you knowingly accept an application from someone

using a fictitious name or alias.

- ✓ **Any willfully false material statement or entry made by any person in a voter registration application constitutes election fraud and is punishable as a Class 5 felony.** Va. Code § 24.2-1016.
- ✓ **Persuading a voter to provide false information on his/her voter registration application may also constitute the felony crime of solicitation.** Va. Code §§ 18.2-29 and 24.2-1004.

3. **Do not destroy, make changes to, or alter in any way a completed voter registration application:**
   - ✓ Virginia state law expressly prohibits an individual from intentionally destroying a completed registration application. Va. Code § 24.2-1002.01 (Class 1 misdemeanor).
   - ✓ Virginia also expressly prohibits an individual from intentionally falsifying a registration application. Va. Code § 24.2-1016 (Class 5 felony).
   - ✓ Completed applications cannot be changed without signed permission from the applicant. See 1 VAC 20-40-70(F).
   - ✓ **Changing an application to accomplish fraud is a Class 5 felony.** Va. Code § 24.2-1009.

4. **Do not pre-populate the registration blanks with information, and unless the individual is physically disabled you must not sign the application:**
   - ✓ **Virginia law expressly prohibits third parties from pre-populating the application with information the applicant is required to provide, unless directed by the applicant. § 24.2-418.**
   - ✓ Individuals providing assistance **must** include their name and address if they sign for the applicant.
   - ✓ It is important to print neatly and legibly if you do offer assistance.

5. **Voter registration is a public accommodation like a bus or restaurant: You cannot discriminate illegally:**
   - ✓ It is a violation of federal law to refuse to provide a registration application to an individual because of his/her race, religion, or other suspect classification.
   - ✓ Conducting a partisan registration drive that discriminates based on political party affiliation could endanger your organization's tax-exempt status. Please review the applicable Internal Revenue Service (IRS) guidelines and/or consult with legal counsel regarding registration drives and tax-exempt status.
   - ✓ Once you accept a completed registration application, you must deliver that application in a timely manner to the appropriate voter registration office.

6. **Must not misuse personal information contained on the registration application:**
   - ✓ **Warning: Unauthorized disclosure of all or part of an applicant's social security number is a felony. Unauthorized use of any personal information to defraud also is a crime.** Va. Code §§ 18.2-186.3, 24.2-1002.1.
   - ✓ Virginia law contains specific prohibitions regarding the use of personal information without permission of the person who is the subject of the identifying information. Please review Va. Code § 18.2-186.3 to ensure that any proposed retention of registration information is in compliance with Virginia law.
   - ✓ State law allows the release of lists of registered voters to certain organizations for political purposes and/or to promote voter registration. We encourage you to contact

the Department of Elections if you or your organization would like to purchase a list of registered voters. Please see FAQ section below for more information.

7. **Must not bribe, threaten, coerce, intimidate, etc. voters into registering to vote:**
   - ✓ State law expressly prohibits the use of threats or force to interfere with or attempt to interfere with any person applying for or declining to register to vote. Va. Code § 24.2-1002.
   - ✓ Federal law prohibits an individual from using intimidation, threats, or coercion in urging or aiding a person in registering to vote. 52 USC 20511.
   - ✓ Federal law also prohibits an individual from offering enticements or incentives for completing a voter registration application. 52 USC 10307(c).
   - ✓ Federal law also expressly prohibits charging anyone for a voter registration application or charging for helping them to fill out the application. 52 USC 10307(c).
   - ✓ Conspiracies to interfere with free exercise of voting rights are subject to felony prosecution under state law. Va. Code § 24.2-1015.

8. **Do not write or attach anything to the voter registration application related to candidates or ballot measures.**

# Frequently Asked Questions

## Voter Registration Questions:

### Q. Where do I obtain voter registration applications for my drive?

- ✓ The Department of Elections will make available to any individual or group a reasonable number of voter registration application forms. Va. Code § 24.2-416.3. Any group or individual seeking 25 or more registration applications is required to register with the Department of Elections and take online or in-person training on the best practices and legal requirements for conducting registration drives. Please see page 3 above.
- ✓ **Blank** applications may be photocopied. However, an original signature is required on completed applications. The original signature may be applied electronically.
- ✓ A PDF of the voter registration application can be downloaded at www.elections.virginia.gov.
- ✓ Please complete the Sworn Affidavit Form below to request registration applications for your drive.
- ✓ Online: ELECT now offers the ability for individuals to complete and submit their voter registration application on-line.
    - To qualify for on-line submission of the application, the individual must either already be registered (updating their registration) or have a DMV issued identification.
    - For unregistered individuals who do not have a DMV ID, the opportunity to complete the application is still available on-line, but the applicant will be required to print, sign and mail the application to the appropriate local voter registration office or to ELECT.

### Q. Who May Register to Vote in Virginia?

Below, please find the qualifications to register to vote in Virginia:

- ✓ **Citizen of U.S.:** Must be a citizen of the United States.
- ✓ **Resident of Virginia:** Must be a resident of Virginia. A person who has come to Virginia temporarily and intends to return to his/her state of residence is not considered a Virginia resident for voting purposes. Persons who legally reside in another state (for example, students who intend to return to their home state upon graduation) should register in their home state using the voter registration application for their home state, or the national application, not the Virginia application. Active duty uniformed services personnel and overseas citizens may retain Virginia residency under specific federal and state laws.

*****Residency in Virginia is a prerequisite to be eligible to register to vote. Residency requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain indefinitely. A place of abode is the physical place where a person dwells. *****

- ✓ **18 Years of Age by Next General Election**: Must be at least 18 years old on or before the date of the next general election. (Seventeen- year olds who will be 18 by the next general election may register in advance and vote in any primary or special election in the

intervening period prior to the general election. Seventeen year olds who will be 18 by the next presidential election may register in advance and vote in any presidential primary or other primary held on the same day as the presidential primary.)

- ✓ **No Felony Conviction or Mental Incapacity Adjudication**: Unless voting rights have been restored, the applicant must have no felony conviction, nor have been judged by a court to be mentally incapacitated. (Please see FAQ below on felons.)
    - For felonies, the Governor or the convicting jurisdiction can restore voting rights.
    - For adjudications of incapacity, a court order is required to restore voting rights. Rarely, an adjudication order may specifically provide voting rights. Va. Code § 64.2-2000.
- ✓ Virginia law makes special provisions for some military and overseas voters. Please have individuals with questions contact the Department of Elections or their local registration office should they have questions regarding their registration eligibility.
- ✓ For more information please review Va. Constitution Article II, §§ 1-2; Va. Code §§ 24.2-101, 24.2-400, 24.2-417 and 24.2-418; and 1 VAC 20-40-10 through 20-40-60.

## Q. How does a felon know if his/her rights have been restored?

- ✓ Those convicted of a felony in Virginia must apply to the Governor or other appropriate authority to have their rights restored. Some states automatically restore voting rights to felons. Individuals convicted of a felony in a state other than Virginia should contact the appropriate authorities in that state to determine whether or not their rights have been restored. If a person has been convicted of a felony and would like to know eligibility requirements for restoration of civil rights, he/she should contact:

  Restoration of Rights Director
  Office of the Secretary of the Commonwealth
  Post Office Box 2454, Richmond, Virginia 23218-2454
  Phone: (804) 786-2441
  **http://www.soc.state.va.us/JudicialSystem/Clemency/clemency.cfm**
- ✓ **Do not attempt to register felons whose voting rights have not been restored—you and the applicants could be prosecuted for felony voter fraud.** Va. Code § 24.2-1004(B).

## Completing aVoter Registration Application:

## Q. What information is required to be completed on the application?

- ✓ **All** required information asked for on the application **must** be provided. The phone number and email address are not required. However, please let the voter know that failure to include that information may result in the inability of election staff to contact the applicant should the staff member need to verify unreadable handwriting and may result in denial if they are otherwise unable to reach the voter where there is a lack of clarity. If any information requested on the application does not apply to the voter, he/she should write "none" or place a dash in the appropriate space. Va. Code § 24.2-418.
- ✓ It is required and important for an applicant to closely read and complete the section on the registration application that asks if the applicant is currently registered to vote in Virginia or another state. Completing this information allows the registrar to communicate with election officials in another state that the voter has registered in Virginia and that their registration

should be cancelled.

- ✓ The registrant must sign and date the application.
- ✓ If the volunteer signs the application for the applicant with physical disabilities who is unable to sign, the volunteer must include his/her name and address on the application. Please see Signature Line on the registration application.
- ✓ Failure to complete the form properly may result in a denial of the application.
- ✓ It is important that the applicant and/or individual providing assistance print neatly and legibly when completing the voter registration application.

## Q. Are applicants permitted to include a <u>future</u> address as their mailing or residence address?

- ✓ A voter must provide his/her **<u>current</u>** residence address and mailing address when registering to vote. § 24.2-418.

## Q. Are applicants permitted to list a P.O. Box for their mailing address? If so, are they still required to list their street address?

- ✓ Some individuals may be qualified to include a P.O. Box in addition to their residence address on the registration application. These individuals must still provide his or her residence address. Individuals qualified to include a P.O. Box mailing address either (1) have a residence address that is not deliverable by the USPS; OR (2) meet the legal definition of protected voter in the Code of Virginia who may non-publish their residence address in voter lists. The list of protected voters set out in the Code is as follows:
    - Active or retired law enforcement officers.
    - Persons under protective order.
    - Persons who are threatened or stalked (must have complaint to law enforcement).
    - Participants registered with the Attorney General's Address Confidentiality Program.
    - Judges and attorneys employed by the U.S. or Virginia Attorney General (active or retired).
- ✓ **Protected voters claiming eligibility to not publish their residence address must provide the appropriate three digit code on the registration application to certify they are legally eligible.**
- ✓ These eligible voters **<u>must</u>** still provide a complete residence address. This is necessary to determine their ballot choices and the location of their polling place. Va. Code § 24.2-418.
- ✓ If the registrant has any questions about mailing addresses or address protection, they should contact their local voter registration office or the Department of Elections.

## Q. What about homeless people? How do they complete the registration application?

- ✓ A homeless person can register to vote if he/she intends to remain in a locality indefinitely and provides some residence address indicating the primary place where he/she stays at night. This is necessary to determine for whom a person can vote and the location of the applicant's polling place.
- ✓ A mailing address is required to ensure that the voter will receive his/her registration card and to avoid cancellation of voting eligibility due to returned mail. Some homeless shelters allow people to have their voter registration cards mailed to the shelter address. By

providing this service, the homeless person is able to pick up his/her card from the shelter address. Call the local voter registration office if you have questions about registering the homeless.

## Q. Am I permitted to assist a voter in completing his/her application?

- ✓ Recent changes to the law explicitly prohibit individuals from pre-populating the registration application for the individual unless directed by the voter. This does not prohibit you from assisting an individual with completing the application. All applications must be signed, either by the applicant or the assistant for a person unable to sign due to physical disability. Signing the form under felony penalty makes the person signing legally responsible for the truthfulness of all statements on the form. Any assistant must be identified if the applicant is unable to sign due to physical disability.
- ✓ A signature under a power-of-attorney is not permitted. Va. Code § 24.2-123.

## Responsibility for Delivering and Timeliness of Delivery:

## Q. Who is responsible for delivering the completed voter registration applications and where should they be delivered?

- ✓ If you offer to deliver or mail the completed registration applications to the local voter registration office or ELECT, then you must follow through on that offer or risk criminal penalties. Va. Code § 24.2-1002.01. Please see applicable deadlines below.
- ✓ Voter registration applications can be turned in to any local voter registration office or to the Department of Elections, 1100 Bank St, 1st Floor, Richmond, VA 23219.
- ✓ For timely processing of registration applications, ELECT encourages you to sort and deliver the completed applications to the voter registration office of the locality indicated on the registration application. Applications are considered "on time" once they arrive at ELECT or at any Virginia registrar's office, or if they are mailed with a postmark on or before the final day of registration.
- ✓ Contact information for all voter registration offices can be found on the registration application and at the following website: https://www.voterinfo.elections.virginia.gov/PublicSite/Public/FT2/PublicContactLookup.aspx

## Q. Is there a deadline for delivering completed voter registration applications?

- ✓ **Yes.** The coordinator of the voter registration drive has the responsibility for making sure all completed applications are mailed or delivered to ANY local voter registration office or the Department of Elections within 10 days of signature date or not later than 5:00 pm on the due date, **whichever is earlier.** (22 days before any General Election Day). **The failure to timely deliver completed applications constitutes a Class 1 misdemeanor and can result in the failure of individuals to be timely registered and, consequently, disenfranchised.** ELECT and local voter registration office will refer these violations to the appropriate Commonwealth's Attorney and/or Office of the Attorney General for investigation and prosecution. Va. Code § 24.2-1002.01

- ✓ If mailed, registration applications must be postmarked no later than the voter registration deadline.
- ✓ If delivered in person, either by the applicant or a third party, the application must be received by 5:00 pm on the deadline.
- ✓ Applications postmarked or received after the deadline will be held and processed after the election; these applications will be effective for the next election if the applicant is otherwise qualified.
- ✓ It is important to realize that failure to deliver applications even after the deadline for submission will result in disenfranchisement and potentially more serious consequences to the individual responsible for non-delivery.

## Q. When is the voter registration deadline?

- ✓ For a general or primary election, the deadline is the close of business on the 22nd day before the election. Va. Code § 24.2-416.
- ✓ Limited exceptions may apply for certain military and returning overseas voters. Va. Code §§ 24.2-419 and 24.2-420.1.
- ✓ For a special election held at a time other than a general election, deadlines are shorter (either thirteen or six days prior to the election). Va. Code § 24.2-416.
- ✓ ELECT encourages you to contact the agency or a local voter registration office if you have any questions or uncertainty regarding your obligations to return completed voter registration applications by the registration deadline for a particular election.

## Q. What if applicants wish to keep their voter registration applications and turn them in themselves?

- ✓ If the applicant requests, you must allow him/her to take the voter registration application and return it him/herself.
- ✓ ELECT encourages this practice. It relieves the registration drives of the responsibility to timely deliver applications and provide a receipt, allows individuals to verify their registration status before submitting another application, and ensures that local voter registration offices are not inundated with large numbers of registration applications immediately prior to the registration deadline.
- ✓ The applicant can deliver the voter registration application through the postal system or in person to any voter registration office.
- ✓ It would be helpful for you to provide envelopes with postage stamps to individuals who wish to mail in their registration application.
- ✓ Allowing an individual to submit his/her own registration applications is particularly appropriate when the voter suspects that he/she is already registered and/or the registration information is up to date.

# <u>Training:</u>

## Q. Is training available for my registration drive workers?

- ✓ Yes. State approved training is required for individuals or organizations that obtain 25 or

more voter registration applications from state or local elections officials. Training is available in several formats:

- Online training is available and easily accessible at the ELECT website (www.elections.virginia.gov).
- Instructor led training is available; the schedule for classes is also available on ELECT's website (www.elections.virginia.gov).
- Each local voter registration office will offer in-person training. Written training materials will be available. Please contact your local voter registration office for more information.
- Please see page 3 above for additional information.

## Other Questions:

### Q. How will individuals know if their registration was accepted?

- ✓ The local voter registration office will determine registration eligibility. A voter registration notification will be mailed to eligible registrants. Va. Code §§ 24.2-417 and 24.2-418.
- ✓ A denial letter will be mailed to any applicant determined not to be eligible.
- ✓ Any applicant who does not receive either confirmation of voter registration or a denial notice within 30 days should contact their local registration office.
- ✓ Any application received after the registration deadline will not be processed until after the election which follows the registration deadline. No voter registration confirmation or denial letters will be issued during this period. Va. Code § 24.2-416.

### Q. What about the national voter registration application?

- ✓ The national application is available at **www.EAC.gov** and should be used for persons with legal residence outside Virginia.
- ✓ ELECT and the local voter registration offices strongly urge your registration drive to use the Virginia Voter Registration Application as it requests all information required to register to vote in Virginia. While this information is in the federal long-form instructions, the national application does not ask the applicant if he/she was convicted of a felony, information that is required to be provided in order to submit a complete registration application in Virginia.
- ✓ Active-duty military personnel should be encouraged to use the Federal Post Card Application, available at: www.FVAP.gov.

### Q. May I obtain a list of Virginia registered voters?

- ✓ The Code of Virginia permits ELECT to furnish, at a reasonable price, lists of registered voters to certain groups and individuals, including non-profit organizations that promote voter participation and registration.
- ✓ Please review Va. Code § 24.2-405 and contact ELECT staff if you would like to request a list of registered voters.

### Q. What if I have a question not addressed by these guidelines?

- ✓ For questions concerning deadlines, completion of the application and voting on Election

Day, call your local voter registration office or the Department of Elections at (804) 864-8901, (800)-552-9745 or 1-800-260-3466 (TTY).

## Criminal Penalty for Nondelivery or Late Application

**§ 24.2-1002.01. Destruction of, or failure to mail or deliver, voter registration application; penalty.**

If any person (i) agrees to mail or deliver a signed voter registration application to the voter registrar or other appropriate person authorized to receive the application and (ii) intentionally interferes with the applicant's effort to register either by destroying the application or by failing to mail or deliver the application in a timely manner, he shall be guilty of a Class 1 misdemeanor. The mailing or delivery of an application shall be deemed timely for the purposes of this section if it is mailed or delivered within 10 days of the applicant's signature or in accordance with the provisions of § 24.2-416.4 for processing before the closing of the registration records for the pending election whichever comes first. This section shall not apply to any state or local government employee acting in his official capacity. If any person intentionally solicits multiple registrations from any one person or intentionally falsifies a registration application, he shall be guilty of a Class 5 felony.

**Other Code of Virginia statutes that could affect voter registration drive activities include:**

§§ 18.2-29, 18.2-186.3
§§ 24.2-101, 24.2-400, 24.2-416.3, 24.2-416.4, 24.2-416.6, 24.2-417, 24.2-418, 24.2-1001, 24.2-1002.1, 24.2-1004, 24.2-1005.1, 24.2-1009, 24.2-1015, 24.2-1016, 24.2-1017

Va. Constitution Article II, §§ 1-2.

Virginia's Constitution and Statutes can be accessed through the Legislative Information Services website, http://lis.virginia.gov/ or public libraries.

# SWORN AFFIDAVIT*

***Required if requesting over 25 voter registration applications; 200 maximum.**

I, _____, state as follows:
(full name)

1. I am requesting _____ (limit 200) voter registration applications from the Department of Elections or local voter registration office for a voter registration drive.

2. I am requesting these forms as an (check as applicable)
   __ Individual; or
   __an agent on behalf of an organization _____ (list the organization)

3. I will abide by all Virginia laws and rules regarding the registration of voters, including
   - I will provide a completed receipt to all applicants for whom I take applications.
   - I will return all completed applications no later than ten (10) days after the applicant signs or the close of registration for the next election if sooner.
   - I will not mark, add, change, or delete any information on the Voter Registration Application, nor will I destroy, or dispose of the application in any way.
   - I will not copy, duplicate, or distribute any social security number on any application.

4. If I am requesting these forms on behalf of an organization, I will use my best efforts to ensure that this organization will abide by all Virginia laws and rules regarding the registration of voters, which will include additional training and supervision of individuals working on behalf of my organization.

5. I have completed the training required annually available from the Department of Elections either online or in-person or locally through the voter registration office;

6. I understand that criminal penalties may result from noncompliance, intentionally falsifying or misrepresenting material information.

**I swear or affirm under penalty of perjury that the foregoing is true and correct.**

**Signature** _____

**Name (First, MI, Last):** _____

**Organization (if any):** _____

**Address:** _____

**City/State/Zip:** _____

**Telephone # Day:** _____ **Telephone # Evening:** _____

**Email Address:** _____

**Date:** _____

***Please return completed form to:***

***DEPARTMENT OF ELECTIONS***
***Voter Registration Programs***
***1100 Bank Street, 1st Floor***
**Richmond, VA 23219-3497**
***Fax # (804) 371-0194***

**Or at the local voter registration office. Contact information can be found on the Department of Elections' website at www.elections.virginia.gov**

# Recommended Checklist for Voter Registration Drives

**I and my organization's volunteers and/or employees:**

- [ ] Have read and are familiar with these voter registration drive guidelines.
- [ ] Have read and are familiar with the Virginia Voter Registration Application.
- [ ] Have read the applicable Virginia Code sections and understand the criminal penalties for failure to comply with Virginia law as it relates to voter registration activities.
- [ ] Have assured that my organization's volunteers receive the state approved training on the laws and best practices for conducting registration drives, including criminal penalties.
- [ ] Have distributed the Sworn Affidavit form and two-page Best Practices and Overview for Volunteers to my volunteers/staff (pages 4-5).
- [ ] Have ensured that applicants complete the voter registration applications in their entirety.
- [ ] Have included assistant's name and address on each application if assistant signed application due to applicant's physical disability. (Please read signature line on voter registration application.)
- [ ] Provided a receipt to all individuals completing voter registration applications for submission by me.
- [ ] Prepared an alphabetical listing of applications delivered to the local registrar.
- [ ] Delivered any completed voter registration applications to the appropriate registrar within 10 days of the applicant's signature or by the next registration deadline, whichever is sooner.
- [ ] Have completed state approved training on Virginia laws and ELECT guidance concerning voter registration drives.