



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Wednesday, April 2, 2014  
Washington Building  
Room B27  
10:00 AM

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BOARD WORKING PAPERS



**STATE BOARD OF ELECTIONS  
AGENDA**

*DATE: April 2, 2014*  
*LOCATION: Washington Building, Room B27*  
*TIME: 10:00 a.m.*

**I. CALL TO ORDER**

*Charles E. Judd*  
*Chair*

**II. NEW BUSINESS**

A. Ballot Order Drawing- House of Representatives  
8<sup>th</sup> District - Democratic Party

*Matt Abell*  
*Election Services Lead*

B. Proposed Voter ID Regulations  
Approval to post for public comment

*Myron McClees*  
*SBE Policy Analyst*

**III. OTHER BUSINESS & PUBLIC COMMENT**

**IV. GOOD OF THE ORDER**

**ADJOURNMENT**



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# Call to Order

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# New Business

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Ballot Order Drawing  
House of Representatives  
8<sup>th</sup> District  
Democratic Party

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BOARD WORKING PAPERS  
Presented by Matt Abell  
Elections Services Lead



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# Voter ID Regulations Approval to Post For Public Comment

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Presented by Myron McClees  
SBE Policy Analyst



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## Memorandum

To: Members of the State Board of Elections

From: Myron McClees, Policy Analyst

Date: April 2, 2014

Re: Proposed Regulation for Voter Identification Card

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### **Suggested motion for a Board member to make:**

I move that the Board seek public comment, for a period of 21 days, on the proposed regulation providing voter identification cards.

**Applicable Code Sections:** §§ 24.2-404, 24.2-643

### **Attachments:**

Your Board materials include the following:

- Proposed regulation 20-40-90 Voter Identification Cards

### **Background:**

The General Assembly passed legislation in 2013 (SB 1256) that requires all individuals voting in-person to show a photo identification document prior to casting a regular ballot. Concomitant with this requirement was the duty of the State Board of Elections to assist general registrars in providing free photo identification to voters that do not possess one of the requisite forms of identification. The bill included a delayed implementation date of July 1, 2014.

The proposed regulation being presented before the board is offered in anticipation of the upcoming implementation date. It provides, *inter alia*, the situations where a voter can request the card and the requirements that they must meet prior to its issuance. The regulation gives general registrars the capability of soliciting applications for the ID outside of their general registrar's office, but does not require such action take place. It provides guidance for the issuance of a temporary identification document and for replacement cards. The regulation also contains a provision stating that a person's inclusion in the Department of Motor Vehicle's database will not exclude such person from receiving a Voter Identification Card.

For the proposed regulation, if the Board selects to move forward, staff proposes posting the regulation on Virginia Town Hall for 21 days. All comments received during this time period will be presented to the Board prior to final consideration on adopting the regulation.

## **1VAC 20-40-90. Voter Identification Cards.**

A. Definitions as used in this regulation:

“Voter Identification Card” means the official “voter registration card[s] containing the voter’s photograph and signature” referenced in § 24.2-404.

B. Pursuant to the requirements of § 24.2-404 of the Code of Virginia, a voter who does not have an acceptable form of identification listed in § 24.2-643 of the Code of Virginia may obtain a Voter Identification Card free of charge through any general registrar’s office if:

1. The voter completes and signs a voter identification card application form;
2. The voter’s information is correct in the voter registration system;
3. A photograph of the voter is taken by the general registrar or the registrar’s designated staff;  
and
4. The voter’s signature is captured by the general registrar or the registrar’s designated staff.

C. Any voter applying for the Voter Identification Card whose record in the voter registration system is materially inaccurate or incomplete will be issued a card after the information has been corrected and updated within the system. Such voters may be provided with a temporary identification document if the voter’s application for the Voter Identification Card is made after the deadline for registering to vote in the next most proximate election in which the voter is eligible to vote. The temporary identification document shall be considered an acceptable form of identification and is valid for 30 days after its issuance.

D. A person that is unregistered may apply for a Voter Identification Card, and will be provided with the card upon approval of the submitted application for voter registration. Persons that are unregistered may not be provided with a temporary identification document.

E. General registrars may solicit applicants for Voter Identification Cards at locations other than their office. No general registrar shall be required to offer this service.

F. A voter’s inclusion in the Department of Motor Vehicle’s database will not exclude such person from being eligible to receive a Voter Identification Card so long as the person affirms they are not in possession of the identification document.

G. A voter may request a replacement Voter Identification Card if the original card is damaged, lost, or stolen; if the voter’s appearance has changed substantially; or if eight years have elapsed since the issuance date upon the card.

H. Applications for a Voter Identification Card shall be considered “registration records” as defined in § 24.2-101, unavailable for public inspection as provided in § 24.2-444(C), and retained by the registrar as

provided by § 24.2-114(8) and the applicable Library of Virginia retention schedule for local election records.



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# Other Business & Public Comment

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# Good of the Order

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# Adjournment

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Master Copy  
Prepared by Rose Mansfield  
Executive Assistant to the Board