



## VIRGINIA VOTER REGISTRATION

These resources are current as of 3/1/19. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law.

Please email us at [advocacy@afj.org](mailto:advocacy@afj.org).

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This guide summarizes key aspects of state campaign finance law and regulations. It is not intended to provide legal advice or to serve as a substitute for legal advice

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

# DEADLINES FOR VOTER REGISTRATION

## Deadline for registering

Registration forms must be received by the local registrar's office, the Department of Elections, an office of the Department of Motor Vehicles, a state-designated voter registration agency, or Armed Forces recruitment office or the Department of Elections by 22 days before the general or primary election. Va. Code Ann. §§ 24.2-414, 24.2-415.1, 24.2-416.

On the final day of registration, the principal office of the general registrar must be open a minimum of eight hours, and shall close for voter registration purposes at 5:00 p.m. Anyone in line at the time of closing shall be permitted to complete an application to register or to make any necessary changes to his or her registration records. Id. at §§ 24.2-414, 24.2-414.1.

A mailed voter registration application returned through the U.S. Postal Service shall be deemed to have been made as of the date of the postmark affixed to the application by the USPS. In the absence of a USPS postmark, the application is deemed timely if received through the US mail no later than five days following the deadline. Id. at § 24.2-416.4(A).

If the registration application is mailed using a service other than the USPS, it must be received by the general registrar or any person authorized to receive applications by 22 days before the general or primary election. Id. at § 24.2-416.4(B).

## Does state offer Election Day registration?

No, as a general rule. However, a voter who meets any of the following exceptions is permitted to register up to and including the day of the election:

- Any member of a uniformed service of the United States who is on active duty. Id. at § 24.2-420.1(A)(1). Note: If the applicant was on active duty and was discharged from the service during the sixty days immediately preceding the election, the applicant would qualify for exception. Id. at § 24.2-420.1(B).
- Any person who resides temporarily outside of the United States. Id. at § 24.2-420.1(A)(2).
- Any person who is a spouse or dependent residing with a person who qualifies for one of these exceptions. Id. at § 24.2- 420.1(A)(3).

## Does state allow mail registration?

Yes. Id. at § 24.2-416.1.

Voter registration applications are available at:

<http://elections.virginia.gov/Files/Forms/VoterForms/VoterRegistrationApplication.pdf>.

If the voter has not previously voted in the county or city in which he or she is registering to vote, the voter must vote in person unless the voter is entitled to vote by absentee ballot because the voter:

- Is covered by the Uniformed and Overseas Citizens Absentee Voting Act;
- Is covered under an exception of the Voting Accessibility for the Elderly and Handicapped Act, including any disabled voter or any voter age 65 or older who is otherwise qualified to vote absentee;
- Is entitled to vote otherwise than in person under other federal law;
- Is a full-time student in an institution of higher education; or
- Requests to vote an absentee ballot by mail for the presidential and vice-presidential elections only, for any reason, as entitled by federal law. Id. at § 24.2-416.1(B).

### **Does the state allow electronic registration?**

Yes, available at <https://vote.elections.virginia.gov/Registration/Eligibility>. Id. at § 24.2-416.7.

### **May voter register before turning 18?**

Yes. Any person who is otherwise qualified and will be 18 years of age on or before the day of the next general election shall be permitted to register in advance and vote in any intervening primary or special election. Constitution of Virginia, Article II, Section 1; Id. at § 24.2-403.

## **VOTER ID REQUIREMENTS**

### **Required for registration? If so, what kinds of ID?**

No, unless a person is registering electronically, in which case they must have a Virginia driver's license or DMV special ID card. Va. Code. Ann. § 24.2-416.7(C)(2)

### **Required for voting? If so, what kinds of ID?**

Yes, a voter will be asked to present one of the following forms of identification:

- Valid Virginia driver's license;
- Valid U.S. passport;
- Any other photo identification card issued by a governmental agency;
- Valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth; or
- A valid employee identification card containing the voter's photograph and issued by an employer of the voter in the ordinary course of the employer's business. Id. at § 24.2-643(B).

A voter may obtain a free Virginia Voter Photo ID card at any Virginia Voter Registration Office (list available at <https://vote.elections.virginia.gov/VoterInformation/PublicContactLookup>).  
 o If the voter does not provide identification, the voter may cast a provisional ballot. Id. at §§ 24.2-643, 24.2-653. A voter who casts a provisional ballot must deliver a copy of their photo ID to the electoral board by noon on the third day after the election, no exceptions. Voters may submit a copy of their ID via fax, email, in-person submission, or through timely USPS or commercial delivery service, so long as it is received by noon the third day after the election.

## Requirement to provide proof of citizenship to register and/or vote?

No. Virginia does not require a voter to provide proof of citizenship to register or to vote, although when using the Virginia registration form an applicant is required to provide his or her social security number. Id. at § 24.2-418(A). (Note that certain non-citizens may obtain social security numbers.)

# VOTER REGISTRATION DRIVES

The Department of Elections guidelines for voter registration drives can be found at the following address: [https://www.elections.virginia.gov/media/formwarehouse/VERIS%20-%20Voter%20Registration/VoterRegistrationDrives/2018\\_Guidelines\\_for\\_Voter\\_Drive-Final.pdf](https://www.elections.virginia.gov/media/formwarehouse/VERIS%20-%20Voter%20Registration/VoterRegistrationDrives/2018_Guidelines_for_Voter_Drive-Final.pdf).

## Does state accept National Voter Registration Act (NVRA) registration forms? Any restrictions?

Yes. Virginia accepts the National Mail Voter Registration Application Form for the registration of otherwise qualified voters. Va. Code Ann. § 24.2-416.2.

## May groups “cage” completed registration forms (i.e. ask voters to mail them back to the group, which will then send them to the appropriate elections registrar(s))? If so, may they copy the forms or any of the data included on them? If so, any deadlines for sending the completed forms to the state or to local officials?

Yes, groups conducting voter registration drives may collect completed applications. The person receiving the form shall provide the applicant with a receipt (included on the application) that provides the following information:

Name of the office, group or person receiving the registration application.

The date that the office, group or person received the registration application from the applicant.

The phone number of the general registrar or the toll-free phone number of the Department of Elections that the applicant may call to confirm his or her registration. Id. at § 24.2-418.1.

There is not a statutory obligation to provide a receipt where a group conducts a drive using the NVRA form, although the Department of Elections training materials state that a receipt is required if there is an “offer to deliver the application.” The Virginia form contains a receipt, and the training materials state that “your group may also prepare receipts that request and include the same information” as the Virginia form receipt. A receipt is not required for mail registration drives where the applicant would be mailing the application. Id. at § 24.2-418.1.

Copying information from voter registration forms is not prohibited, but organizations should be sure to redact the Social Security number entirely prior to photocopying. Id. at § 24.2-416.5.

The registration drive worker receiving the form must ensure that the application is mailed or delivered to the local voter registration office or the Department of Elections by the earlier of ten (10) days after the date of the applicant's signature or before the registration due date. Failure to comply with these requirements constitutes a Class 1 criminal misdemeanor. Id. at § 24.2-1002.01. Applications must be delivered even if they are late – discarding voter registrations is a criminal offense.

**May a group “pre-fill” some or all of the form before sending/giving it to a would-be registrant?**

No. Unless directed by the applicant the registration application shall not be pre-populated with information the applicant is required to provide. Id. at § 24.2-418(A).

**May voter registration drive workers assist a voter in completing their registration form?**

Virginia's voter registration statute does not prohibit such assistance except that pre-filling information is prohibited. The Department of Elections guidelines envision the providing of assistance if requested by the applicant. The applicant must sign the application; a signature under a power-of-attorney is not permitted. Id. at §§ 24.2-123, 24.2-418(A).

**Does state require training of voter registration workers?**

Yes, if a group or individual requests 25 or more voter registration applications from the Department of Elections. Id. at § 24.2-416.6. The individual or at least one agent of the organization seeking to obtain the applications must register with the Department and complete the training and certify that the organization will require training for all persons collecting completed voter registration applications from applicants on behalf of the organization. The certification form is available at: <https://www.elections.virginia.gov/media/formwarehouse/VERIS%20-%20Voter%20Registration/VoterRegistrationDrives/VoterRegistrationApplicationRequestForm.pdf> or can be completed online at <https://www.surveymonkey.com/r/thirdpartyregistrationdrives>. Training can be completed in person or online at: <https://www.elections.virginia.gov/registration/registration-drives/index.html>

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.

**Does state require registration of voter registration drives?**

Yes, if a group or individual requests 25 or more voter registration applications from the Department of Elections. Id. at § 24.2-416.6. Registration requires completing an affidavit that can be done in-person. The form is available at: <https://www.elections.virginia.gov/media/formwarehouse/VERIS%20-%20Voter%20Registration/VoterRegistrationDrives/VoterRegistrationApplicationRequestForm.pdf>, or can be completed online at: <https://www.surveymonkey.com/s/thirdpartyregistrationdrives>.

**Any requirement that a group must provide information to voters about how they may contact the group to determine the status of their registration?**

No. Although the receipt provides the voter with the name, email address, and daytime telephone number of the individual or group receiving the application, it also directs the voter to contact the Department of Elections if the voter has not been notified of their registration status within 30 days.

**May a group pay voter registration drive workers? If so, is it permissible to pay on a per-voter-registered basis?**

There is no prohibition from paying voter registration drive workers. However, no individual or group shall compensate its volunteers or employees, and no volunteer or employee shall accept compensation, on the basis of the number of completed voter registration applications the volunteer or employee collects. Id. at § 24.2-416.6.

# CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

Virginia Department of Elections  
Washington Building, First Floor,  
1100 Bank Street, Richmond 23219  
Telephone: 804 864-8901

Toll Free: 800 552-9745  
FAX: 804 371-0194  
Email: [info@elections.virginia.gov](mailto:info@elections.virginia.gov)  
<http://elections.virginia.gov/>

## FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law,  
please contact our attorney one-on-one counseling service:

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