



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 6

Voter Registration

August 2024

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6. VOTER REGISTRATION

REQUIRED FORMS Guidelines for Conducting Voter Registration Drives Virginia Voter Registration Application Online Voter Registration Application National Mail Voter Registration Form Federal Post Card Application Federal Write in Absentee Ballot Approved Inquiry as to Residency (1 VAC 20-40-50)	ADDITIONAL RESOURCES Department of Elections College Student Registration webpage Secretary of the Commonwealth Restoration of Rights webpage State-designated Voter Registration Agencies list Library of Virginia Voter Registration and Election Records Retention Schedule Federal Voting Assistance Program (FVAP) webpage
REFERENCE National Voter Registration Act Virginia Department of Elections Website – Military & Overseas Voting FVAP Virginia Voting Assistance Guide	REGULATIONS 1VAC20-20-20: Electronic transmission of records containing sensitive personal information; encryption or redaction required 1VAC20-20-70: Duty to request assistance and to notify voters of denial of applications for voter registration or absentee ballots 1VAC20-40-10: Definitions 1VAC20-40-30: Presumptions 1VAC20-40-40: Review of Application 1VAC20-40-50: Supplemental Questions 1VAC20-40-60: Review of Supplemental Questions 1VAC20-40-70: Applications for Voter Registrations; affirmation of United States Citizenship 1VAC20-45-20: Voter Registration 1VAC20-45-30: Electronic Submission of Federal Post Card Application

6.1 CHAPTER ORGANIZATION

The purpose of this chapter is to discuss the multiple pieces that make up voter registration. Voter registration is the first step in an individual exercising their right to vote; thus, registration is a critical responsibility of the general registrar. The general registrar must contend with checking applications for eligibility standards and tracking and processing these documents within a limited amount of time as required by Virginia Election Code. §6.2 outlines the eligibility requirements that every applicant must satisfy prior to their application being processed and approved by the registrar. These requirements include but are not limited to age, citizenship, and residency. In particular, this section focuses on residency issues that often challenge registrars. Next, §6.3 provides information on the methods of registration that are available to applicants and discusses how, depending on the method of registration, the application will be processed. The Code of Virginia establishes deadlines for voter registration; thus, §6.4 focuses on these deadlines and any extensions provided depending on the status of the applicant. For example, applicants categorized under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) may be



provided an extension past the normal deadline. §6.5 provides information on the type of voter registration applications available, such as: the Virginia Voter Registration Application, the application received through the Department of Motor Vehicles, and forms that combine the voter registration application and the absentee application. §6.6 discusses the procedures that a registrar should complete prior to processing an application, while §6.7 dives into how an application should be processed using Virginia Election and Registration Information System (VERIS). Lastly, §6.8 outlines the procedures for denying an application.

6.2 WHO IS ELIGIBLE?

To be eligible to vote in the Commonwealth of Virginia, an individual must meet the following qualifications:

- | | |
|---------------------|--|
| 1) Age: | Will be eighteen years of age or older by the date of the next general election; ¹ |
| 2) US citizenship: | Is a US citizen; ² |
| 3) Residence: | Has domicile and place of abode in Virginia and in the precinct where he intends to vote; ³ |
| 4) No Felony: | Has not been convicted of a felony, or if convicted, has had his civil rights restored by the appropriate authority for the latest felony conviction; ⁴ |
| 5) Mental Capacity: | Has not been adjudicated mentally incompetent (i.e., legally incapacitated) or, if so, has had his competency (legal capacity) restored; ⁵ and |
| 6) Registration: | Provides all information required by law to be entered on the registration application material to determining qualification to vote. ⁶ |

6.2.1 Age Requirement

To qualify for voter registration, the applicant must be eighteen years of age or older on or before the date of the **next general** election.

, a 17-year old that will turn eighteen on or before the date of the next general election may be registered and permitted to vote in any intervening special or primary election.⁷ As for federal

¹ See Virginia Const. [Art. II, §1](#). See also Code of Virginia §§[24.2-403](#) and [24.2-544\(D\)](#).

² See Virginia Const. [Art. II, §1](#).

³ See Virginia Const. [Art. II, §1](#). See also Code of Virginia §[24.2-101](#) (defining “residence” as requiring domicile and place of abode).

⁴ See Virginia Const. [Art. II, §1](#).

⁵ See Virginia Const. [Art. II, §1](#).

⁶ See Virginia Const. [Art. II, §2](#). See also Virginia Administrative Code [1VAC20-40-40\(C\)](#) and [1VAC20-40-70\(B\)](#) (applications to register to vote cannot be denied for omitted information if they include all information required by law).

⁷ See Code of Virginia §§[24.2-403](#) and [24.2-544\(D\)](#).



presidential years, any individual that will be 18 on or before the day of the next November general presidential election may register to vote and vote in any intervening presidential primary and any other primary held on the same day as the presidential primary.⁸

Individuals who are 16, but otherwise qualified, may be preregistered. Preregistered individuals are not permitted to vote.⁹ Once the individual turns 18, they will be automatically registered to vote.

6.2.2 U.S. Citizenship

The current Virginia Voter Registration Application asks the applicant, as required by federal and state law, “Are you a U.S. citizen?”¹⁰ The applicant must answer this question.¹¹

If an applicant leaves this section blank or answers “No” and signs the application, the application should be denied in VERIS and a denial notice sent. In the instance of an applicant leaving the answer blank, the denial notice should be sent with a new voter registration application.

If a voter seeks to update their original voter registration application but fails to check their citizenship status, the application should not be denied as the original voter registration application verified their citizenship status.

6.2.3 Residency

An applicant must establish residency in the precinct in which she wishes to vote.¹² Residency requires both domicile and place of abode.¹³ An applicant can establish a domicile by living in a locality with the intention to remain.¹⁴ Abode is the **physical** place where a person lives.¹⁵ Residency regulations provide a rule of broad construction to “provide the greatest opportunity to register and to vote.”¹⁶ Failure to establish residency may be grounds for denying the voter registration application.¹⁷

Applicants must provide their house number and street name, or rural route and box number, unless homeless. Only under certain circumstances may a post office box may be accepted as a home address (discussed later in this chapter).¹⁸ Address of a mailing service or a business office cannot be accepted (unless the applicant actually lives in the office).

⁸ *Id.*

⁹ See Code of Virginia [§24.2-403](#).

¹⁰ See Virginia Const. [Art. II, §2](#). See also Code of Virginia [§24.2-418\(A\)](#).

¹¹ See Virginia Const. [Art. II, §2](#).

¹² See Virginia Const. [Art. II, §1](#).

¹³ *Id.* See also Code of Virginia [§24.2-101](#) (defining “residence” as requiring domicile and place of abode).

¹⁴ See Code of Virginia [§24.2-101](#).

¹⁵ *Id.*

¹⁶ See Virginia Administrative Code [IVAC 20-40-30\(A\)](#).

¹⁷ See Virginia Administrative Code [IVAC 20-40-40\(A\)](#) (if information required by law is missing from the application, that is grounds for denial).

¹⁸ See Code of Virginia [§24.2-418\(B\)](#).



An applicant who lives in a rural area and receives mail at a post office box may not have a rural route and box number. Such applicants may enter the number of the highway on which they live. Any applicant who does not have a house number/street name should, in the space provided on the application, enter enough description of the location of his home to enable the registrar to determine his precise location for precinct assignment purposes.¹⁹

The general registrar should ask any applicant who gives a residence address that will not also serve as a mailing address to supply a mailing address in the “Mailing Address” space. The Code does not specifically require this information, and 1VAC20-40-30(c) specifically states “no person shall be denied registration for failure to submit a mailing address.”

6.2.3.1 *Protected Voters*

Certain voters are allowed to request that their residence addresses not appear on lists provided for public inspection.²⁰ These voters **must provide a post office box within Virginia** to receive protected voter status and are responsible to communicate changes in this address. The following individuals, and any person living at their residence, are permitted to provide alternative addresses:²¹

- Active or retired law enforcement officers
- Persons granted protective court orders under the authority of any court of competent jurisdiction
- Threatened or stalked individuals who have a written statement
- Participants in the address confidentiality program
- Active and retired federal and Virginia justices, judges, magistrates, and attorneys employed by the United States Attorney General or Virginia Attorney General
- Approved foster parents
- Current and former general and deputy registrars and their staff
- Current and former local electoral board members
- Current and former officers of election
- Current and former State Board of Election members
- Current and former Commissioners of Elections
- Current and former ELECT employees
- Current and former electors for President and Vice President

¹⁹ See Virginia Administrative Code [1VAC20-40-30\(C\)](#).

²⁰ See Code of Virginia [§24.2-418\(B\)](#).

²¹ *Id.*



Protected Voter Codes

ACP	Participant in the Attorney General's Address Confidentiality Program
LEO	Active or Retired law enforcement officer, judge, magistrate, U.S. or Virginia Attorney General attorney
CPO	Court-Issued Protected Order
TSC	Applicant or a member of their household has evidence or filed a complaint with law enforcement about being threatened or stalked
AFP	Approved to be a Foster Parent
LEO and CPO	Active or Retired Law Enforcement Officer, Judge, Magistrate, U.S. or Virginia Attorney General <i>and</i> Court-Issued Protective Order
LEO and TSC	Active or Retired Law Enforcement Officer, Judge, Magistrate, U.S. or Virginia Attorney General <i>and</i> Applicant or a member of their household has evidence or filed complaint with law enforcement about being threatened or stalked.
CPO and TSC	Court-issued protected order <i>and</i> Applicant or a member of their household has evidence or filed a complaint with law enforcement about being threatened or stalked.
LEO and CPO and TSC	Active or Retired Law Enforcement Officer, Judge, Magistrate, U.S. or Virginia Attorney General <i>and</i> Court Issued Protective Voter, and Applicant or a member of their household has evidence or filed complaint with law enforcement about being threatened or stalked.
PEO	Current or former State Board of Elections member, ELECT Commissioner and ELECT employee, Electoral Board Member, General Registrar, Deputy Registrar, employee in the Office of the General



	Registrar, Officer of election, or Commonwealth Electors for President and Vice President.
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Applicants in any of these categories can have their residence address redacted on the registered voter list, the list of those who have voted, absentee applicant lists, and any other registration records available for inspection by third parties.²²

P.O. Box addresses are only acceptable when the applicant cannot receive mail at their residence address (e.g., the residence address is not deliverable by the U.S. Postal Service)²³ or when the applicant is a protected voter. This address does not have to be in the locality of residence, but protected voter alternative P.O. Box addresses must be in Virginia.

If an applicant fails to provide a reason code for protected voter status and the general registrar cannot reach out to the applicant for supplemental information, the voter should be denied the protected status; **however, if the applicant is otherwise qualified they must be registered.** As a best practice and if time permits prior to the close of books, consider waiting 14 days for a response from the voter before denying protected voter status.

6.2.3.2 *Person whose domicile straddles two political subdivisions*

Property boundaries may not follow election district or locality boundaries. When an applicant's domicile and place of abode straddles two (or more) jurisdictions, a decision must be made as to where the person should be registered. If the applicant's dwelling unit falls totally within one jurisdiction, even if a portion of the applicant's property is in an adjacent locality, then the applicant can only be registered in the locality of the dwelling unit. If the dwelling unit straddles the boundary line, then the applicant is deemed to reside in the location of his bedroom or usual sleeping area.²⁴

6.2.3.3 *Homeless Applicants*

A person with no permanent address must describe on the application to register his actual physical dwelling place and may choose to list a mailing address where he can receive election mail.²⁵

6.2.3.4 *College Students*

You should consider the following when determining the residency for college students:

- College students should register to vote in the city or county in which they are legal residents.

²² See Code of Virginia §§[24.2-405\(D\)](#), [24.2-406\(D\)](#), [24.2-418\(B\)](#), [24.2-444\(C\)](#), [24.2-706](#), and [24.2-710](#).

²³ See Virginia Administrative Code [1VAC20-40-10](#)

²⁴ See Virginia Administrative Code [1VAC20-40-30\(E\)](#).

²⁵ See Virginia Administrative Code [1VAC20-40-30\(C\)](#).



- The student determines and declares the city, county and state in which he or she claims legal residence.²⁶ This may be the residence where his or her family lives, or the city or county and state where the school is located.
- A college student may claim residency at the school address at which the student lives only a portion of the calendar year if the student otherwise meets the qualifications of legal residence for voter registration.²⁷

6.2.3.5 *People Living in Different Locations for Different Seasons*

The residency status of persons who live elsewhere for a portion of the year (such as persons who spend winters in warmer climates, migrant workers, or persons who live part of the year on a sailboat, for example) will be determined by the applicant.²⁸ If the applicant has the intention to return to a location and considers the location their place of abode, they should be considered as having residency.²⁹

6.2.3.6 *Overseas Voters and Military Personnel*



Persons serving in the military, as well as their spouses and dependents, and overseas voters fall into a special class regarding residence. If a person, upon entering military service, wishes to declare his last residence before entering service (his home of record) as his legal residence, then he is considered to have residence there until he declares a different place his legal residence or leaves the service. “If that address is no longer a recognized residential address, the voter must be assigned an address for voting purposes.”³⁰

Tax laws permit military members to claim a residence for tax purposes only. A military member may be exempt from paying local and state taxes if they file a Certificate of Legal Residence form with the state or local government. Filing this form for tax purposes does not prohibit the service member from claiming Virginia as their legal residence for voter registration purposes.³¹

Great care must be taken before denying or canceling the voter registration of a service member. Action to deny registration can only be taken after considering the special rules applicable to military personnel and the relevant facts, which may require consulting Department of Elections staff for guidance or your local legal representative.

²⁶ See Virginia Administrative Code [IVAC20-40-10](#) (registrars must presume the address of residence declared by the applicant is where the applicant has domicile).

²⁷ See Virginia Administrative Code [IVAC 20-40-40\(C\)\(3\)](#) (registrars are to treat dormitories as permanent addresses) and [IVAC20-40-30\(B\)\(3\)](#) (registrars cannot make any presumptions about a person’s residence based on the person’s student status).

²⁸ See Virginia Administrative Code [IVAC20-40-10](#) (registrars must presume the address of residence declared by the applicant is where the applicant has domicile).

²⁹ See Virginia Const. [Art. II, §1](#) and Code of Virginia [§24.2-101](#) (defining “residence” as requiring domicile and place of abode, and defining “domicile” as living in a locality with intent to remain).

³⁰ See Code of Virginia [§24.2-456](#)

³¹ See Virginia Attorney General Opinion No. [06-048](#) (Oct. 3, 2006) (stating “a general registrar may not deny an application for voter registration or cancel the voter registration of a registered voter who is a service member of the armed forces of the United States based solely upon the filing of such certificate.”).



Cancellation must always be authorized under one of the specific grounds detailed under the Code of Virginia §24.2-427. It is a violation of federal law punishable by a fine and up to five years imprisonment to knowingly deny or attempt to deny rights provided under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).³²

6.2.3.7 *Reviewing Residency*



A registrar has limited discretion in reviewing the residency portion of the voter registration application. As discussed above, residency requires domicile and place of abode and the registrar must “presume that domicile is at the address of residence given by the person on the application.”³³ If an applicant lists a location as where they sleep and this information is sufficient to assign the applicant to a polling place within the precinct, the application should be processed if the applicant meets all other eligibility requirements.³⁴

There are only five situations in which a registrar **must** ask for additional information regarding an applicant’s residency.³⁵ When a situation requiring more information arises, the registrar is prohibited from denying the application.³⁶ Instead, the registrar must request more information by providing a form to the applicant, to which the applicant must respond in writing.³⁷ The application cannot be accepted or denied while the registrar is awaiting the applicant’s response.³⁸ If the applicant does not provide the information by the last day to register before the election, and the registrar is unable to determine the applicant’s residency through any other means, only then should the registrar deny the application.³⁹

Under 1VAC20-40-40, a general registrar must ask for additional information regarding residency when:

1. The applicant provides a mailing address in a different county, city, or state from his residential address.
 - The registrar must ask **and** mail the supplemental questions provided in the form titled *Approved Inquiry as to Residency* found in Formswarehouse under [VERIS-Voter Registration](#). This form must be answered and returned before the last day of registration.
2. The applicant provides a residential address that cannot receive mail or from which mail sent by the registrar’s office is returned.
 - The registrar is required to ask for an alternate mailing address. However, no person shall be denied registration for failure to submit a mailing address.

³² See [18 U.S.C. §608](#).

³³ See Virginia Administrative Code [1VAC20-40-10](#).

³⁴ See Virginia Administrative Code [1VAC20-40-60\(A\)](#).

³⁵ See Virginia Administrative Code [1VAC20-40-40\(C\)](#).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*



3. The applicant provides a temporary address.
 - The registrar must ask the supplemental questions provided in the form titled Approved Inquiry as to Residency. This form must be answered and returned before the last day of registration.
4. The applicant provides a nontraditional residential address.
 - A nontraditional residential address includes industrial or commercial buildings. If the individual sleeps there and considers the location their residence, the application should be processed.
5. The application causes a conflict with another existing voter in the statewide, voter registration system.

The applicant's application should be processed if, in responding to the supplemental questions, the applicant provides sufficient information for the registrar to assign the applicant to a polling place within the precinct and cancel any existing registration elsewhere. If the applicant does not provide sufficient information, the application must be denied.

6.2.4 Felony convictions

6.2.4.1 *Virginia convictions*

An applicant who has been convicted of a felony in Virginia has lost the right to vote and cannot legally register to vote in the Commonwealth until their voting rights have been restored by the Governor of Virginia.⁴⁰ The Governor has the authority to restore voting rights of persons convicted of felonies in Virginia.⁴¹ An application to the Governor may be made through the Secretary of the Commonwealth or by circuit court petition.⁴²

If a registered voter that has their voting rights restored is convicted of a new felony, the voter's registration must be cancelled.⁴³ The individual cannot legally register again in the Commonwealth of Virginia until their voting rights have been restored for the new felony.

6.2.4.2 *Convictions in other states*

A citizen moving to Virginia whose rights have been restored in the convicting state may register to vote in Virginia, indicating restored felon status on the Virginia voter registration application.⁴⁴ The registrar should consult the Commonwealth's Attorney who represents the registrar on denials of registration, when any questions arise on restoration of rights for a convicted felon outside the Commonwealth. If an applicant indicates "yes" to a felony conviction but the conviction cannot be found in Virginia and

⁴⁰ See Virginia Const. [Art. II, §1](#).

⁴¹ See Virginia Const. [Art. V, §12](#).

⁴² See Code of Virginia [§§53.1-231.1 – 231.2](#) (detailing process for restoration of civil rights).

⁴³ See Code of Virginia [§24.2-427\(B\)](#).

⁴⁴ See Virginia Attorney General Opinion No. [99-087](#) (Aug. 3, 1999).



restoration is not established, the application should be denied and the individual can appeal to the appropriate court.⁴⁵

6.2.4.3 *Verification*

A convicted felon, whose rights have not been restored, that attempts to register or that votes may be prosecuted for false statements or illegal voting.⁴⁶ Therefore, general registrars should correct misunderstandings that may have been created by voter registration drives and others encouraging registration by former offenders.

Applicants may not know whether they have been convicted of a felony versus a misdemeanor, or whether their rights have been restored. The registrar may, as a matter of courtesy, work with the applicant, reach out to the Secretary of the Commonwealth, or other state authorities to help the applicant make this determination. However, the responsibility for such determinations ultimately rests with the applicant, who may need legal counsel.

If the proper classification is uncertain and cannot readily be determined from available information, the general registrar should request assistance from the Commonwealth's Attorney who represents the general registrar on registration matters.⁴⁷

Applicants whose rights have been restored may provide the registrar documents showing the restoration of their voting rights or simply provide the restoration date(s) on the registration application. If the applicant only provides the restoration date(s), the registrar must verify the date of restoration, determine the convicting jurisdiction, and if the convicting jurisdiction is in Virginia. Verification can be completed by contacting the applicant or by looking up the applicant's restoration order on the Secretary of the Commonwealth's website.⁴⁸ A general registrar may also request documentation to confirm the restoration of voting rights of a person previously convicted of a felony.⁴⁹ If an applicant is convicted of multiple felonies, the registrar must ensure the applicant has their rights restored for all felonies convicted prior to registration. All documentation should be attached to the applicant's record in VERIS.

If an applicant is not eligible to register, the registrar should provide appropriate information to the applicant regarding the restoration-of-rights process. An applicant who disagrees with the registrar's determination may submit an application, within 10 days of denial, and appeal the denial to the circuit court in the county or city of where he applied to register.⁵⁰

⁴⁵ See Code of Virginia §[24.2-422](#).

⁴⁶ See Code of Virginia §§[24.2-1004](#) (illegal voting and registrations) and [24.2-1016](#) (false statements).

⁴⁷ See Code of Virginia §[24.2-422\(A\)](#).

⁴⁸ See restore.virginia.gov

⁴⁹ Virginia Attorney General Opinion [No. 06-048](#) (Oct. 3, 2006).

⁵⁰ See Code of Virginia §[24.2-422](#).



6.2.4.4 *Juvenile Convictions*

Sometimes an applicant will ask, "I was convicted of a felony as a juvenile. Can I register to vote?" or, "How do I answer the felony question?" The responsibility for such determinations ultimately rests with the applicant, who may need legal counsel.

NOTE: The place where the juvenile served his sentence (e.g., Department of Juvenile Justice facility as opposed to Department of Corrections' facility) **does not indicate whether he was convicted of a felony as an adult.** The most important factors are which court heard the case and the details of the conviction. If it was heard in Circuit ("adult") Court, contact your local Commonwealth's Attorney for information on determining conviction status.

6.2.5 *Persons Adjudicated Incapacitated*

The Virginia Constitution, Art. II §1 states, "no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished." It has been further codified in §24.2-101 that "[n]o person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law."

Adjudications of incapacity result in loss of voting rights unless a court order expressly preserves voting rights. Circuit court clerks are required to furnish voting officials with lists of persons ineligible to vote due to adjudications of incapacity.⁵¹

Only a court adjudication of incapacity can take away a person's voting rights for mental incompetence. Unless a court has determined that a person is incapacitated, that person retains their voting rights. It is a crime to try to "vote for that person" - no matter how noble the aims may be (e.g., "I know how my family member would have wanted to vote"). Improperly completing an absentee ballot application, signing another's name, or otherwise rendering improper assistance, must be referred to the Commonwealth's Attorney in the locality in which the votes were cast or were attempted to be cast.

6.2.6 *Social Security Numbers*



A full social security number is only required when the applicant is providing an original voter registration application **and** has not checked the "No SSN" box on the application.⁵² SSNs are not guaranteed to be unique and the Social Security Administration has advised that individuals may share the same valid SSN. While VERIS accepts the SSN for internal tracking and searching purposes, VERIS will assign a Voter ID unique identifier to each voter registered in the system. This assigned Voter ID protects each individual's vote against improper dilution and helps detect duplicate registration and fraud.

⁵¹ See Code of Virginia §[24.2-410](#).

⁵² See Virginia Administrative Code [1VAC20-40-70\(B\)\(1\)](#).



Occasionally an applicant will object to providing his or her SSN in order to register to vote. If the applicant has been issued an SSN and indicated they have an SSN on their voter registration application, they are required to provide this information for voter registration purposes.⁵³

The federal Privacy Act of 1974 and Virginia’s Government Data Collection and Dissemination Practices Act (“Data Act”) both require that applicants be informed of the legal basis for requesting the SSN and its possible uses.⁵⁴

NOTE: SSN is not required for a transfer or a change of name or address. A transfer or change of name or address application from a voter who omits his SSN must still be processed.⁵⁵

6.3 METHODS OF REGISTRATION

Virginia authorizes six ways to apply for registration:

- Online by internet application to the Department of Elections,⁵⁶
- By application at the polls to an officer of election-on-election day,⁵⁷
- In person before a registrar,
- By application at a state designated voter registration agency,⁵⁸
- By directly mailing an application to the general registrar,⁵⁹ and
- By third-party voter registration.⁶⁰

While there are multiple methods of registration, an applicant does not become registered until the application is reviewed and accepted by his/her local general registrar. This distinction is important. Applications taken by personnel at the Department of Motor Vehicles or other agencies are only applications; they are not legally effective as registrations until the appropriate general registrar accepts them as complete and valid.

6.3.1 Online

Applicants may register online using the Department of Elections website.⁶¹ Applications submitted online to the Department of Elections can be accepted through 11:59 p.m. on the final day of registration preceding an election. To complete the application process and sign the application electronically, the applicant must have a driver’s license or identification issued by

⁵³ See Virginia Administration Code [1VAC20-40-70](#).

⁵⁴ See [5 U.S.C. §552](#). See also the Code of Virginia [§2.2-3800](#) et seq.

⁵⁵ See Virginia Administrative Code [1VAC20-40-70\(F\)](#) (applications from already registered voters must be processed as a request to transfer or change, as long as the application contains some new information and is signed).

⁵⁶ See Code of Virginia [§24.2-416.7\(A\)](#).

⁵⁷ See Code of Virginia [§24.2-653](#).

⁵⁸ See Code of Virginia §§[24.2-411.3](#) (Department of Motor Vehicles) and [24.2-411.2](#) (other state-designated voter registration agencies).

⁵⁹ See Code of Virginia [§24.2-416.1](#).

⁶⁰ See Code of Virginia [§24.2-416.3](#).

⁶¹ See Code of Virginia [§24.2-416.7\(A\)](#).



the DMV.⁶² A voter may also check their status and/or update their voter registration electronically.⁶³ The web address for the online application is: <https://www.elections.virginia.gov/register>.

6.3.2 At the Polls on Election Day

Officers of election must provide any person offering to vote provisionally with an application to register.⁶⁴ If the person's provisional ballot is not counted, but the person is qualified to register to vote and their application contains all information required by law, their submitted application should be processed and accepted.

6.3.3 In-Person Registration

6.3.3.1 In the Voter Registration Office

Eligible Virginia residents may complete a voter registration application in person at the registrar's office during legally authorized official business hours.

On the final day of registration preceding an election, applications must be accepted until 5:00 pm.⁶⁵ At that time, the general registrar must list all applicants in line, and accept their applications as timely, if complete.⁶⁶

The registrar, or the electoral board, may establish additional office hours for registration beyond those normally scheduled.⁶⁷ All locations within the locality should comply with the extended hours.

Any extended public hours beyond regular office hours in the registrar's office and any additional locations for voter registration must be advertised. There are several provisions governing advertising of additional times and locations:

- Any hours or locations must be advertised at least three days in advance.⁶⁸ Notice must be posted on the locality website, and either published at least once in a newspaper of general circulation in the locality or announced at least twice on a television station serving the locality (if one is available).⁶⁹
- Notice is not required for:
 - the regular office hours of the general registrar's office or of any co-located office normally staffed by at least one registrar,⁷⁰

⁶² See Code of Virginia [§24.2-416.7](#).

⁶³ *Id.*

⁶⁴ See Code of Virginia [§24.2-653](#).

⁶⁵ See Code of Virginia [§24.2-414.1](#).

⁶⁶ See Code of Virginia [§24.2-414](#).

⁶⁷ See Code of Virginia [§24.2-415](#) (for hours outside of regular office hours, advance notice must be given).

⁶⁸ See Code of Virginia [§24.2-415](#).

⁶⁹ See Code of Virginia [§24.2-415](#).

⁷⁰ *Id.*, at (B).



- any office or location offering voter registration services or forms in the normal course of its daily business,⁷¹ or
- any other locations that do not have a government employee statutorily authorized to receive voter registration applications present, but that offer mail-in forms.⁷² For example, § 24.2-416.3 provides for registration applications to be available through agents of the Department of Game and Inland Fisheries statewide. However, since these agents are not authorized to accept applications and applicants are responsible for sending their own applications to the appropriate registrar, these agents are not subject to the public notice requirement.

6.3.3.2 Other Registration Sites

As an alternative or in addition to expanded office hours, the general registrar or electoral board may establish additional registration sites to meet the registration needs of the locality. Like additional office hours, these additional sites must be advertised to the public; including posting the notice on the locality website if applicable.⁷³

6.3.3.2.1 School Sites

The Department of Elections encourages each general registrar to work with each local high school at least annually to encourage registration. As of October 1st, 2022, any person who is otherwise qualified and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, may preregister to vote in any election except as provided in §24.2-403.⁷⁴ Before the high school visit, the school administration and government teachers should be contacted about arranging an opportunity to speak to the students about voter rights and responsibilities and to encourage service as an officer of election. Registration drives conducted by the general registrar at high schools and naturalization ceremonies may be closed to the public.⁷⁵

6.3.3.2.2 Registration through State Agencies

As part of the National Voter Registration Act (NVRA), certain public agencies must offer voter registration applications to most customers at their state, regional, or local offices.⁷⁶ The opportunity to apply to register is provided at the time of the client's original application for services and when filing for re-certification, re-admission, renewal, or change of name or

⁷¹ *Id.*

⁷² See Code of Virginia §[24.2-415\(B\)](#). It is the participation of one of these authorized government employees or a registrar that triggers the public notice requirement.

⁷³ See Code of Virginia §[24.2-415](#).

⁷⁴ See Code of Virginia §[24.2-403.1](#).

⁷⁵ See Code of Virginia §[24.2-412 \(C\)](#).

⁷⁶ See Code of Virginia §[24.2-411.2\(A\)](#).



address.⁷⁷ Agency personnel must assist clients with completing voter registration forms as they would for their own forms, unless the applicant refuses such assistance.⁷⁸

The law does not specify what assistance must be provided and permits flexibility to develop solutions to accommodate particular needs of persons with disabilities (however, Virginia law prohibiting discrimination against persons with disabilities must be followed⁷⁹). For example, non-English speaking clients may be referred to the Department of Elections for language translations of the Virginia Voter Registration Application and other forms. The federal Election Assistance Commission website may provide translations of the National Mail Voter Registration Form in additional languages such as Spanish or Korean.⁸⁰ Designated agency personnel do not consider issues of client eligibility to register to vote. Eligibility determination is the responsibility of the general registrar.

The state office of each designated public agency sets policy for distributing, displaying, collecting, and returning applications in accordance with NVRA requirements.

The Department of Elections distributes display boxes, application forms, and other needed supplies to all appropriate agencies. Designated State Agencies can order materials from [ELECT's website](#). Registrars should be prepared to supplement these when needed.

The Code of Virginia designates the following agencies as registration sites in accordance with NVRA and §§24.2-411.1 and 24.2-411.2:

- Department of Motor Vehicles
- Agencies whose primary function is to provide public assistance
- Agencies whose primary function is to provide state-funded programs primarily engaged in providing services to persons with disabilities
- Armed Forces recruitment offices
- Regional offices of the Department of Game and Inland Fisheries and the offices of the Virginia Employment Commission in the Northern Virginia Planning District 8



Agencies are required to transmit applications to the Department of Elections no later than five business days after the date of receipt.⁸¹

6.3.3.2.3 Registration at the Department of Motor Vehicles

The National Voter Registration Act (NVRA) signed in 1995 was enacted for the purpose of simplifying the voter registration process and increasing access to voter registration

⁷⁷*Id.*, at (D)(1).

⁷⁸ See National Voter Registration Act (NVRA), [52 U.S.C. §20506\(a\)\(6\)\(C\)](#). See also Code of Virginia [§24.2-411.2\(C\)\(2\)](#).

⁷⁹ See Code of Virginia [§51.5-43](#) (“No person with a disability ...shall be denied the opportunity to register or vote...because of such disability”).

⁸⁰ See [EAC website](#) for additional languages.

⁸¹ See Code of Virginia [§§24.2-411.3](#) (DMV) and [24.2-411.2\(G\)](#) (all other state-designated voter registration agencies).



opportunities to all populations. One of the most significant impacts to voter registration through NVRA was “motor-voter.” Essentially, Motor-Voter mandates the execution of voter registration opportunities as an interagency process. In plain meaning, this act requires the DMV to act as an arm of ELECT to increase access to voter registration opportunities.

As mandated by NVRA and state law, almost any person who comes to an office of the DMV to apply for, replace, renew, or change an address on a driver’s license or special identification card (“qualifying transactions”) must be given the opportunity to apply to register to vote at the same time.

Beginning in July 2016, the Department of Elections and the DMV partnered to simplify the method of voter registration application for most DMV customers. Customers in DMV customer service centers could complete a voter registration application or submit a notice of change of address or other information electronically. The introduction of the electronic motor voter application process dramatically reduced the number of paper applications received by localities. Customers at DMV customer service centers who apply for or replace a driver’s license or DMV ID card, renew a license or ID card, or update an address on file with DMV will be presented with the opportunity to register to vote as required by the National Voter Registration Act. If the voter agrees, the information will be transmitted to general registrars for processing within five days of receipt.

In 2020, the Governor signed HB235 which implements a form of automatic voter registration. With this change, the customer must affirmatively decline to register to vote; essentially making the system an “opt-out” rather than “opt-in.” Customers must opt-out of registering to vote or updating their voter registration.

A customer must answer the same questions as those found on the paper form of the Voter Registration Application; including the US citizenship. If the customer attests to not being a US citizen or does not answer the citizenship question will not be asked any questions related to voter registration.

Similarly, a DMV customer using the DMV website to conduct any one of the transactions mentioned above, will be provided the opportunity to electronically transmit a voter registration application.

The electronic DMV applications are processed by general registrars in a manner consistent with other electronically received registration applications.

6.3.4 Mail Registrations

Voters can register by mailing an application directly to a voter registration office or the Department of Elections.⁸² Voters may also complete an application and give it to a third party (someone other than a sworn registrar or state-designated agency employee) to forward to a voter registration office.⁸³ Persons entitled to vote absentee under the Uniformed and Overseas Citizens Voting Act may combine a registration application with an application for an absentee

⁸² See Code of Virginia §[24.2-416.1](#).

⁸³ See Code of Virginia §[24.2-416.3\(A\)](#).



ballot on a Federal Post Card Application (FPCA) or a ballot using the Federal Write-In Absentee Ballot (FWAB).

Applications received through any form of mail service, including the U.S. Postal Service, Federal Express, United Parcel Service, DHL, or any other mail carrier, are considered to have been received through the mail and should be coded as “S” in VERIS.

For federal elections, anyone may vote absentee by mail. First time voters who registered by paper will be required to mail in a copy of a HAVA compliant ID for their vote to be counted.

6.3.5 Third Party Registration Drives

Anyone can distribute and receive registration applications.⁸⁴ Any individual or group obtaining 25 or more voter registration applications from the Department of Elections or a local office is required to register with the Department of Elections or local office, provide information as required by the Department of Elections, receive training, and execute a sworn affidavit that they will abide by all Virginia voter registration laws and rules.⁸⁵

The Department of Elections is required to furnish a reasonable number of blank mail applications to any individual or group who requests them.⁸⁶ Likewise, registrars should be prepared to furnish small quantities of applications to anyone who may request them. If a person or group requests a large number of applications, please refer them to the Department of Elections. Individuals with blank applications may go door-to-door, set up display boxes with applications at business or other establishments, distribute applications to members of their organizations, or otherwise distribute applications however they wish. Individuals and groups conducting voter drives are not subject to the same restrictions imposed on “official” registration sites conducted by a registrar.⁸⁷ Restrictions on official sites that are not applicable to third parties include prohibitions on conducting registration at events requiring an entry fee to access the registration location or where campaigning is taking place at the same location.⁸⁸ However, a third party may not pay its volunteers or employees based on the number of completed voter registration applications they collect.⁸⁹

When the local registrar or electoral board furnishes individuals or groups multiple copies of the voter registration application (even if providing fewer than 25 copies), it must also provide the instructions and an outline of penalties for destruction of, or failure to mail or deliver signed applications.⁹⁰

⁸⁴ See Code of Virginia [§24.2-416.3\(B\)](#).

⁸⁵ See Code of Virginia [§24.2-416.6](#).

⁸⁶ See Code of Virginia [§24.2-416.3\(A\)](#).

⁸⁷ See Code of Virginia [§24.2-412\(C\)](#).

⁸⁸ See Code of Virginia [§24.2-1003](#).

⁸⁹ See Code of Virginia [§24.2-416.6](#).

⁹⁰ *Id.*



Third-party registration drives may decide to simply distribute applications and put the responsibility on the applicants to mail their applications to the voter registration office or Department of Elections. A third party which offers to return the completed applications to the voter registration office must provide the applicant a receipt.⁹¹ In either case, the application must be treated as a mail application.

If the third party offers to return a completed and signed application for the applicant, return must be made within ten days or by the close of registration, whichever comes first. Not doing so is a Class 1 misdemeanor.⁹² Unlawful use or disclosure of social security numbers or parts thereof is a felony.⁹³ Unlawful disclosure of other personal information may facilitate identity theft.⁹⁴

6.4 SUBMISSION DEADLINES



With the exception of online voter registration applications, voter registration for general and primary elections closes at the normal close of business⁹⁵ on the twenty-second day before the election and remains closed for the **twenty-one days preceding the election and on Election Day**.⁹⁶ Electronic applications may be submitted until 11:59 p.m. on twenty-second day preceding the election.

For any special election that has been called by the Governor, Speaker of the House of Delegates, President pro tempore of the Senate, or by either House of the General Assembly, registration must be closed for the **six days preceding the election and Election Day**.⁹⁷

For any other special election, registration must be closed for **thirteen days preceding the election and Election Day**.⁹⁸

In the event that a failure of the Virginia online voter registration system occurs before the scheduled close of registration, the Governor has the authority to extend registration for a period of time equal to the amount of time the online registration system was unavailable. This extension can be rounded up to the nearest whole day, with an additional whole day for voter education efforts.⁹⁹

⁹¹ See Code of Virginia §[24.2-418.1](#).

⁹² See Code of Virginia §[24.2-1002.01](#).

⁹³ See Code of Virginia §[24.2-1002.1](#).

⁹⁴ See Code of Virginia §[18.2-186.3](#).

⁹⁵ See Code of Virginia §[24.2-414.1](#).

⁹⁶ See Code of Virginia §[24.2-416](#).

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ See Code of Virginia §[24.2-416\(B\)](#).



After books are closed for any election, the registrar can accept applications during this time, but applications cannot be approved and processed until registration reopens the day after the election.

6.4.1 Applications Received by Mail

If an application is received through the U.S. Postal Service (USPS) and is postmarked on or before the final day of registration, the application must be accepted as timely regardless of when it is actually received.¹⁰⁰ If an application is received through the USPS and its postmark is missing, illegible, or has no date, the application must be accepted as timely if received by the fifth day after registration closed.¹⁰¹

If a mail application is received by any other means – through another mail system such as UPS or Federal Express, or through a third party – it must be accepted as timely only if it was received by 5:00pm on the final day of registration, regardless of when it was postmarked or sent.¹⁰²

6.4.2 Exceptions to Normal Application Deadline



In certain situations, the law allows for a registration to relate back or be considered effective as of the date of application. For example, in the context of provisional voting, a voter whose name does not appear on the pollbook may vote provisionally and fill out a registration application at the polls.¹⁰³ If it is found that the person is a qualified voter, and the person provides evidence of having submitted a timely registration application at the Department of Motor Vehicles or another state-designated voter registration agency prior to the close of registration, the person's Election Day application will become effective as of the day the person initially applied.¹⁰⁴

Certain citizens receive an extended deadline to register *by mail* regardless of the postmarked date. If the citizen is eligible to be registered and, if by reason of active duty, they are normally absent from the city or county they reside, the citizen's application may be accepted and approved.¹⁰⁵ The following individuals' application may be submitted with an application for an absentee ballot or a federal write-in absentee ballot:

- Any member of a uniformed service on active duty;
- Any spouse or dependent residing with a person listed as active duty; and
- Any person temporarily residing outside the US.

Certain categories of citizens are allowed an extended time to register. Applicants who fall into any of these categories may register *in person* up to and including Election Day:¹⁰⁶

¹⁰⁰ See Code of Virginia §[24.2-416.4\(A\)](#).

¹⁰¹ *Id.*

¹⁰² See Code of Virginia §[24.2-416.4](#).

¹⁰³ See Code of Virginia §[24.2-653\(A\)](#).

¹⁰⁴ See Code of Virginia §[24.2-653](#).

¹⁰⁵ See Code of Virginia §[24.2-419](#).

¹⁰⁶ See Code of Virginia §[24.2-420.1](#).



- Active-duty members of the uniformed services, their spouses, and dependents residing with them, who, by reason of such active duty, meet one of the following criteria:
 - Are normally absent from the locality in which they reside.
 - Have been absent from the locality and returned to reside there within the twenty-eight days prior to the election.¹⁰⁷
- Persons formerly on active duty in the armed forces who were discharged from service during the sixty days preceding the election, their spouses, and their dependents (whether or not residing with them).¹⁰⁸
- Persons who reside temporarily outside the United States, their spouses, and dependents residing with them who, by reason of such temporarily overseas residency, meet one of the following criteria:
 - Are normally absent from the locality in which they reside.
 - Have been absent from the locality and returned to reside there within twenty-eight days prior to the election.¹⁰⁹

Same Day Registration

Notwithstanding any provisions of §24.2-416 any person who is qualified to register to vote shall be entitled to register in person up to and including the day of the election at the office of the general registrar in which the person resides or at the polling place for the precinct in which such person resides. Voters, who opt to register and vote on the Same Day, will be given a provisional ballot. The voter's registration form will be entered into VERIS by the General Registrar's office for registration validation. This registration and provisional ballot will be reported to the Electoral Board during the canvass. If the Electoral Board confirms the validity, the ballot will be counted; If the Electoral Board determines that the registration is invalid, the ballot will not be counted.¹¹⁰ Please review Chapter 13 Provisional Ballots for additional information.



Best Practice

Do not process the OVR hopper applications when books open after an election until after ELECT has run the Same Day Registration Duplicate Report.

6.5 APPLICATIONS

There are several different types of voter registration applications. The State Board of Elections must approve all types of state applications for use.¹¹¹ Where available, application forms may be downloaded from the Internet, printed, and used like pre-printed registration applications. A fax submission of an application is not acceptable, except in the case of a Federal Postcard

¹⁰⁷ *Id.*, at (A).

¹⁰⁸ *Id.*, at (B).

¹⁰⁹ *Id.*, at (A).

¹¹⁰ See Code of Virginia [§24.2-420.1](#) Extended time for individuals to register in person.

¹¹¹ See Code of Virginia [§24.2-418\(A\)](#) ("The application to register shall be only on a form or forms prescribed by the State Board"). See also Virginia Administrative Code [1VAC20-40-70\(A\)](#).



Application (FPCA) (discussed below), or for a change of address or transfer. The following types of official application forms, both current and prior versions¹¹², as well as approved Spanish translations, can be accepted:

- Virginia Voter Registration Application (paper or online)
- Department of Motor Vehicles Application
- National Voter Registration Application
- Federal Post Card Application (FPCA)
- Federal Write in Absentee Ballot (FWAB)

6.5.1 Virginia Voter Registration Application (VA-NVRA-1)

This form may be used in-person, by mail, by third party groups, and agency applicants and can be distributed by the general registrar throughout the locality in display boxes. The Department of Elections may provide these boxes, or registrars may design and purchase their own display boxes.

The current application is titled Virginia Voter Registration Application (VA-NVRA-1). When properly completed, the form contains all the information necessary to process the application.

Printed forms can be ordered from the Department of Elections using the contact information on its website.

An applicant may submit an electronically signed voter registration application for processing. These applications, and signatures, are valid for purposes of voter registration.

6.5.2 Older Versions of the Virginia Application

Various versions of the official Virginia Voter Registration Application (VA-NVRA-1) form remain in circulation, including a previous 5" X 11" version (with a 3" X 5" perforated tear-off portion on the left side) used immediately before and after Virginia's implementation of NVRA in 1996.

Prior versions of any voter registration application must be accepted by registrars for voter registration under 1VAC20-40-70: Applications for Voter Registration; Affirmation of United States. Prior versions of any voter registration application may not be denied for failure to provide information that is deemed not material.

Unless the Department of Elections instructs otherwise, registrars should accept these older applications. However, some of these older applications request information no longer required by law. If processing an application using one of these older forms, registrars should not deny the application for failure to provide information no longer required.¹¹³

6.5.3 National Application

The National Mail Voter Registration Form is designed by the United States Election Assistance Commission (EAC).¹¹⁴ The National form comes with a booklet that explains voter registration

¹¹² See Virginia Administrative Code [1VAC20-40-70\(j\)](#)

¹¹³ See Virginia Administrative Code [1VAC20-40-70\(j\)](#).

¹¹⁴ See [Election Assistance Commission website](#).



requirements for each state. Therefore, even though the form itself does not specify Virginia requirements, the requirements are provided to the applicant with the application. Some of the questions on the Virginia Application do not appear on the National Application. However, all information required for registration in Virginia is on the form, either in the form of questions or as part of the statement the applicant must sign.

Translations of the National form and instructional booklet are available from the EAC website.¹¹⁵ Armed Forces recruitment offices use a variant of the National form. It is printed in red and is labeled “DD 2644” in the corner.

6.5.4 Combined Voter Registration and Absentee Application-- Federal Post Card Application (FPCA) and Federal Write-In Absentee Ballot (FWAB)

Overseas citizens, military members, and their dependents may use FPCA or FWAB. They are available at the website of the Federal Voting Assistance Program (FVAP).

FPCA forms may serve as applications both for voter registration and for absentee ballots.¹¹⁶ Forms received for both purposes should be photocopied; the original form should be retained as the registration application, and the photocopy retained as the application for an absentee ballot.

Unlike other registration application forms, the FPCA may be sent by fax or scanned email attachment to registrars or the Department of Elections. As long as it is complete, an emailed or faxed FPCA is sufficient to apply for registration, and mailing the original is not required.¹¹⁷

The FWAB is designed for use as a backup ballot if an applicant’s timely requested absentee ballot does not arrive in time. The FWAB, commonly called the federal “backup” ballot, includes a registration application page similar to the FPCA. Virginia allows use of the FWAB for all elections in which the voter is eligible to vote.¹¹⁸ The FWAB is also available for download from the FVAP.

In processing a FPCA or FWAB, keep in mind not all information requested on the form is material for registration. If information that is not material is omitted, the application for voter registration should still be processed. The following omissions are not material:¹¹⁹

- On an application that declares active-duty military status: Service ID number, rank, grade, or rate.
- On an application that declares temporary overseas residence with a date of last residence: Employer name and address.
- On an application that declares indefinite overseas residence: Date of last residence.

¹¹⁵ See [Election Assistance Commission website](#).

¹¹⁶ See Code of Virginia §[24.2-458\(B\)](#).

¹¹⁷ See Virginia Administrative Code [1VAC20-45-30s](#).

¹¹⁸ See Code of Virginia §§[24.2-461](#) and [24.2-702.1\(A\)](#).

¹¹⁹ See Virginia Administrative Code [1VAC20-45-20\(B\)](#).



6.6 PROCEDURES UPON RECEIPT OF VOTER REGISTRATION APPLICATIONS

6.6.1 Determine Which Applications Belong to Other Localities

Registrars will likely receive some applications that are not for their locality. **The registrar must determine to which locality these applications belong and forward them to the appropriate voter registration office.**¹²⁰ If the registrar is uncertain about the correct locality, calling the registrar in the locality where the application may belong may help.



It is not up to the registrar receiving such an application to determine if the application is complete and acceptable. Only the registrar in the locality for which an applicant is applying for registration can make that determination.¹²¹

The original application should be forwarded immediately to the correct locality as soon as practicable. The sending general registrar must indicate to the receiving general registrar the origin of the application by a note attached to each application or a cover sheet (similar to that used by the Department of Elections) for a group of applications indicating the common origin of the applications.

General registrars should make a file copy of any forwarded application to document compliance with HAVA processing standards.

6.6.1.1 Forwarding Applications near the Registration Deadline



Mailed applications received during the final two days before the close of registration that belong to another locality, as well as those received after the close of registration but that appear to be timely, should be transmitted by using one of the following methods:

- Fax the application to the appropriate locality **and** mail the original application, making a photocopy of each before sending. Remember to redact sensitive personal information from an application before faxing or emailing, unless the email is encrypted. Sensitive personal information includes date and month of birth, any part of the social security number, and **residence addresses of protected voters**. The year of birth is not required to be redacted.¹²²
- Arrange to deliver the applications in person.

6.6.1.2 Ensuring Receipt

Making file copies of applications forwarded by mail assures that a record of the application exists in case it becomes lost in delivery. GRs should confirm receipt by conducting a VERIS search for the social security number in Active, Incomplete and Rejected statuses. If a reasonable period of time has passed and VERIS indicates no record of action by the receiving registrar, the forwarding registrar should call to

¹²⁰ See Code of Virginia §[24.2-114\(6\)](#).

¹²¹ *Id.*

¹²² See Virginia Administrative Code [1VAC20-20-20](#).



determine if the application has been received. Delivery confirmation service may also be considered.

6.6.2 Determine Application Completeness

A completed application is required in order to register a *new* applicant for voter registration.

A completed application means an application that provides all required information.

A fully completed application is not necessary to transfer or change the address of a currently registered voter. A currently registered voter only needs to submit (in person, mail, email, or fax) a signed statement in order to update or transfer his or her registration.¹²³ An update is not required to have all the same information as a new applicant.

Registrars receive many applications that do not contain all the information required by law and have the legal duty to deny any application from a **new applicant** (a person who is not already registered) that is incomplete when received.¹²⁴

Revised in 2016, the State Board of Election restated policies governing incomplete applications for registration. The regulation implements federal law by identifying certain information as neither material to determining voter qualification or required by the Code of Virginia, and prohibits a registrar from denying an application for the failure of an applicant to provide any of the following information:

1. Social security number if the applicant checks the box indicating no SSN was ever issued;
2. Gender;
3. Generational suffix;
4. Middle name if the voter checks the box indicating none;
5. Email address;
6. Daytime telephone number;
7. Response indicating protected voter status, military status, overseas status, or any other information requested in Box 4;
8. Mailing address;
9. State in which the applicant is currently registered if the applicant is currently registered in Virginia;
10. Response indicating interest in serving as an officer of election;
11. Signature of applicant if applicant indicates that he is an individual with physical disabilities;
12. Response indicating the applicant has a physical disability if the application is signed by the applicant; or
13. Date of the application.

¹²³ See Virginia Administrative Code [1VAC20-40-70\(F\)](#) (all applications, even if incomplete, from already registered voters must be processed as a request to transfer or change, as long as the application contains some new information and is signed).

¹²⁴ See Virginia Administrative Code [1VAC20-40-40\(A\)](#).



Current regulations do not require the registrar to request nonmaterial missing information. If any nonmaterial missing information is obtained, the registrar must add the information manually, including the registrar's name and the date of the addition on the reverse side of the form to indicate that the general registrar made the alteration. However, the registrar is prohibited from changing information provided by the applicant on the application without written, signed authorization from the applicant.¹²⁵

6.6.2.1 *Registration Date*

The general registrar accepting an application enters the date of acceptance on the application form as follows:

- Standard Virginia Voter Registration Application form (VA-NVRA-1): The registrar must enter the date of registration on any available space on the form and may enter precinct name or number or town code, if applicable
- Federal forms (National, FPCA, FWAB): the registrar must enter the date of registration on any available space on the form.

The registration date in VERIS will automatically default to the date of data entry for a new voter and will remain the original registration date for an existing voter, but it may be changed if necessary. In general, this should be the date that the registrar accepted the application and deemed it complete. Limited exceptions include:

- Any valid application received in person by one registrar and forwarded to another registrar should show the date received by the first registrar as the registration date;
- Any valid application received in person at the DMV or any other state-designated agency should show the date it was received by that agency as the registration date;
- Mailed applications that are complete and show a timely postmark before the deadline, as well as applications lacking a postmark that are received by mail within 5 days after the deadline, are considered timely and should show the final day of registration as the registration date¹²⁶ (unless eligible for extended registration for certain military and overseas voters);
- Active-duty uniformed services members, overseas voters, and their eligible family may register in person up to and including the day of the election;¹²⁷
 - Registration applications from active-duty uniformed services members and their eligible family accompanying applications for absentee ballots must be accepted regardless of the close of books.¹²⁸
 - In person voter registration is available to all qualified individuals.¹²⁹

¹²⁵ See Virginia Administrative Code [1VAC20-40-70\(D\)](#).

¹²⁶ See Code of Virginia [§24.2-416.4\(A\)](#).

¹²⁷ See Code of Virginia [§24.2-420.1](#).

¹²⁸ See Code of Virginia [§24.2-419](#).

¹²⁹ See Code of Virginia [§24.2-420.1](#).



6.6.2.2 Name

The applicant's full name is required and because a middle name may be material to determining voter qualification, registrars are required to do the following under 1VAC20-40-70(c):¹³⁰

- Contact the applicant, if the applicant indicates that they have no middle name, the registrar shall process the application.
- Contact the applicant, if the applicant indicates that they have a middle name, the registrar shall inform the applicant that the middle name is required, deny the application, and send the applicant a new application.
- If the registrar is unable to contact the applicant and is therefore unable to determine if the application is incomplete, the registrar shall give the benefit of doubt to the applicant and process the application.

Many applicants enter their middle initial instead of their middle name. For some applicants, the initial *is* their middle name; while other applicants have no middle name. In order to determine if the applicant has a more complete middle name than appears on the application, the registrar can either perform a "Voter Search" or after entering information on the "Add Voters" page, select "Process" for a system search for duplicates. If the registrar determines the applicant is already registered with a middle name, that registration only should be updated. DMV data, if available, can also be checked to see if the applicant has a more complete middle name on file at the DMV.

Alternatively, the registrar can try to contact the applicant. If the registrar can obtain a more complete name, it should be used when entering the applicant in the VERIS. If the registrar cannot get a more complete name and is unable to determine whether the applicant has a middle name or not, registrars are required to accept the name as printed on the application.¹³¹

6.6.2.3 Age

A new applicant must provide their date of birth. If the date of birth question is not completed, the registrar may attempt to contact the applicant by phone or letter to correct the information. If the registrar is able to obtain the correct information and is therefore able to determine if the applicant meets the age requirement, the incomplete application in VERIS can be entered as "Approve" to register the otherwise qualified voter. If the applicant cannot be reached, the application must be denied.¹³²

Pre-Registration of 16 Year Olds¹³³

Any person who is otherwise qualified and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, may preregister to

¹³⁰ See Virginia Administrative Code [1VAC20-40-70](#).

¹³¹ See Virginia Administrative Code [1VAC20-40-70](#).

¹³² See Virginia Const. [Art. II, §2](#) (date of birth is required information). See also Virginia Administrative Code [1VAC20-40-40\(A\)](#) (applications missing information required by law must be denied).

¹³³ See Code of Virginia [§24.2-403.1](#).



vote. This preregistration shall not entitle a person 16 years of age or older to vote in any election except as provided in §24.2-403.¹³⁴

If a voter registration application is completed by a voter who is between the ages of 16 and 17-years old (for example, if a 17-year-old will not turn 18 before the General Election), the general registrar or deputy registrar will input the voter registration into VERIS using the same processes as they would any other voter registration application. When the general registrar or deputy clicks the “process” button, they will get a notice stating, “Voters under 17 years of age must be pre-registered.” At this time, this applicant will be placed in the “Pre-Registration” Hopper. General Registrars should send a notice to the pre-registered voter indicating that their application has been received and instructing them that they are to update their information if their address changes. At the time of eligibility, the pre-registered voter will be marked as eligible and should be processed by the general registrar or their staff.

6.6.2.4 *Residency – Protected Voters*

If an applicant has claimed protected status on the application form and provided a Virginia P.O. Box address anywhere in the Commonwealth, then the registrar must indicate this protected status on the “Add Registration” page of VERIS by checking the appropriate box for protected voters.

Do not deny a voter registration application if no P.O. Box address was supplied.

Instead, the general registrar should contact the applicant to explain this provision of the law and give the applicant the opportunity to provide the needed information. The Attorney General’s Address Confidentiality Program (ACP) provides a free post office box option to victims of domestic violence or stalking.¹³⁵ VERIS requires that the registrar enter a P.O. Box in the mailing address field in order to process and approve an application once the protected voter status box is checked. USPS post office boxes and other commercial mailboxes may be provided as alternative addresses for publication in lists.¹³⁶

6.6.2.5 *Social Security Number*

It is extremely rare for a U.S. citizen not to have an SSN. If the applicant is not currently in VERIS and has indicated “none” in the space for the SSN, the application should be accepted and entered in VERIS with the SSN field left blank. Select the “Applicant has not been issued SSN” checkbox when processing the application in order to “Approve” the application and register the otherwise qualified voter. VERIS will generate a unique “Voter ID.” However, if the space for the SSN is simply left blank, and the applicant is not

¹³⁴ Id.

¹³⁵ See the [Office of The Attorney General website](#) for more information on the Address Confidentiality Program.

¹³⁶ See Virginia Administrative Code [1VAC20-40-10](#).





currently in VERIS, the application should be denied as “Incomplete.”¹³⁷ Then, select the checkbox for missing SSN. This action will automatically generate a notice of denial to send to the applicant stating that the SSN was missing. If, in response to this letter of denial, the otherwise qualified applicant states that he has no SSN, then the application can be accepted and VERIS will generate a unique “Voter ID.”

Applicants who continue to refuse to provide a social security number may be informed that the Code requires that her application must be denied and they have the right to appeal the denial to the circuit court.¹³⁸

6.6.2.6 Gender



No application may be denied for failure to indicate gender.¹³⁹ In VERIS, the registrar may enter an applicant’s gender as male, female, or unknown.

6.6.2.7 Conviction of Felony/ Adjudication of Incapacity– Restoration of Rights

A new applicant must provide information regarding their rights and disqualification of voting rights. The application asks: “Have you ever been convicted of a felony or judged mentally incapacitated and disqualified to vote?” This question must be answered by new, unregistered applicants.

If the applicant answers “YES,” the applicant must also provide an answer regarding if their right to vote was restored. If the applicant answers “YES,” and the applicant is otherwise qualified, the application should be approved. Applicants whose rights have been restored may provide the registrar documents showing the restoration of their voting rights or simply provide the restoration date(s) on the registration application. If the applicant only provides the restoration date(s), the registrar must verify the date of restoration, determine the convicting jurisdiction, and if the convicting jurisdiction is in Virginia. Verification can be completed by contacting the applicant or by looking up the applicant’s restoration order on the Secretary of the Commonwealth’s website.¹⁴⁰ A general registrar may also request documentation to confirm the restoration of voting rights of a person previously convicted of a felony.¹⁴¹ If an applicant is convicted of multiple felonies, the registrar must ensure the applicant has their rights restored for all felonies convicted prior to registration. All documentation should be attached to the applicant’s record in VERIS.

If an applicant is not eligible to register, the registrar should provide appropriate information to the applicant regarding the restoration-of-rights process. An applicant

¹³⁷ See Virginia Const. [Art. II, §2](#) (social security number is required information if the applicant has one). See also Virginia Administrative Code [1VAC20-40-70\(B\)\(1\)](#) (omission of social security number is only immaterial if the applicant indicates they have no SSN).

¹³⁸ See Code of Virginia [§24.2-422\(A\)](#).

¹³⁹ See Virginia Administrative Code [1VAC20-40-70\(B\)\(2\)](#).

¹⁴⁰ See restore.virginia.gov

¹⁴¹ See Virginia Attorney General Opinion [No. 06-048](#) (Oct. 3, 2006).



who disagrees with the registrar’s determination may submit an application, within 10 days of denial, and appeal the denial to the circuit court in the county or city of where he applied to register.¹⁴²

6.6.2.8 Signature

The applicant must sign the application in the box provided.¹⁴³ By signing, the applicant is affirming the following registration statement:

I swear/affirm, under felony penalty for making willfully false material statements or entries, that the information provided on this form is true. I authorize the cancellation of my current registration and I have read the Privacy Act Notice.

An applicant unable to sign due to physical disability may make a mark or an assistant may sign the application, including their name and address below the signature line.¹⁴⁴ A small checkbox below the signature line allows the applicant to request assistance with voting.

6.6.3 How to Process Incomplete Applications

Incomplete applications must be processed in VERIS to:



- Deny a new voter’s application because required information is missing;¹⁴⁵ or
- Enter an application as “Incomplete” while attempting to contact the applicant to gather the missing required information.

VERIS allows the registrar two ways to determine whether an applicant is currently registered when processing an incomplete application:

- Searching for the applicant on the “Voter Search” page by a number of criteria including the voter’s name, SSN, or portion thereof
- Selecting “Add Voters” from the VERIS navigation bar and entering the information that is present on the application. Once the “Process” button is selected, the system will search for and return any duplicate registrations.

If the applicant is not currently registered in Virginia, the registrar may not “Approve” the registration until complete information is received. The application should be saved as “Incomplete” in order to contact the applicant and obtain the missing information if possible; otherwise, the application must be denied. When denying such an application, “Missing Information” should be selected as the reason for denial with the appropriate boxes checked to indicate what information was missing. This will automatically generate a denial notice to send

¹⁴² See Code of Virginia §24.2-422.

¹⁴³ See Code of Virginia §24.2-418(A).

¹⁴⁴ See Code of Virginia §24.2-418(A). See also Virginia Administrative Code [1VAC20-40-70\(B\)\(11\)](#).

¹⁴⁵ See Virginia Administrative Code [1VAC20-40-40\(A\)](#).



to the applicant that lists the specific items that were incomplete. A new application must be sent with the denial notice if the applicant was eligible for registration.¹⁴⁶

If a voter seeks to update their original voter registration application but fails to check their citizenship status, the application should not be denied as the original voter registration application verified their citizenship status.

6.6.4 Processing Updates

If the voter is currently registered, the registrar **must** accept the application and update the voter's registration if the change request application contains new information and is signed.¹⁴⁷

If the application contains no new information, it should still be accepted which will show as a duplicate or re-registration with no new information or updates. If the new application indicates any new information that would serve to cancel the voter's registration, such as felony conviction or adjudication of incapacity without a restoration of rights, then the registrar must deny the application and cancel the voter's registration.¹⁴⁸ If the registrar determines that a potential duplicate matches the voter on the application, the existing voter registration should be updated with information from the new signed application.

If the voter is currently registered and the change request application with new information is signed, the registrar **must** accept it and update the voter's registration. Even if the application has no new information, it should still be accepted, indicating a duplicate or re-registration without updates. However, if the new application reveals information that would invalidate the voter's registration, such as a felony conviction or loss of rights without restoration, the registrar must reject the application and cancel the registration. When a potential duplicate aligns with the applicant's details, the existing voter registration should be amended with the new signed application's information.

6.6.5 Transfers and Reinstatements

This section of the voter registration application requires the applicant to indicate whether or not he is currently registered to vote at another address.

If the applicant indicates a current registration in Virginia, this section can be disregarded because processing the application will automatically transfer the voter's registration from the other Virginia locality. The receiving registrar need not notify the registrar in the applicant's former locality because VERIS automatically transfers the applicant from the old locality and informs the registrar there of the transfer.¹⁴⁹

VERIS will also automatically notify the registrar when a cancelled voter is reinstated by registering to vote in a new locality. This notice is in the form of a new transfer record in the former locality's hopper. The new hopper notice should be retained to remind the registrar in

¹⁴⁶ See Code of Virginia §[24.2-422\(B\)](#).

¹⁴⁷ See Virginia Administrative Code [1VAC20-40-70\(F\)](#).

¹⁴⁸ See Code of Virginia §[24.2-427\(B\)](#).

¹⁴⁹ See Code of Virginia §[24.2-424\(D\)](#).



the former locality to send any records for the reinstated voter to the voter's new locality, retaining a copy until receipt is confirmed.

ELECT recommends that localities scan all paper forms received to simplify the registration and transfer process.

6.7 PROCESSING A VALID VOTER REGISTRATION APPLICATION IN VERIS

6.7.1 Entering applicants on VERIS



Processing voter registration applications is a major element of registrars' duties.¹⁵⁰ Depending on the size of the locality and the resources available, a registrar may find themselves overwhelmed. Processing applications must be completed under tight deadlines; thus, a registrar should seek assistance from their local board to assure compliance with state and federal law.¹⁵¹ Refer to VERIS User Manual Step-by-Step *Add-Update Voter* for more information on processing applications.

6.7.1.1 Application Origin Codes

NVRA Tracking ID is used in VERIS to identify the source of each voter registration application. Codes to be used for identifying these sources in VERIS are as follows:

Code	NVRA Tracking ID
M	Military Recruiting
F	Federal Forms (FPCA or FWAB)
A	Public Assistance
S	State Mail in Form
D	Discretionary Agencies
C	Disability Offices
T	Third Party Voter Drive
N	National Form
R	Confirmation Notice
I	Voter Card
O	Other Document/ Information
V	Department of Motor Vehicles
R	Confirmation Transfer

6.7.2 Correspondence

Once an application is approved, VERIS will automatically generate a voter registration notice and any other information necessary to send to the voter. Notices and cards can be printed off in batch mode or individually. It is best to wait until verifying the accuracy of the data entry before printing. Any notices needing to be removed due to error can be removed before printing by

¹⁵⁰ See Code of Virginia §[24.2-114](#).

¹⁵¹ See Virginia Administrative Code [1VAC20-20-70\(A\)](#).



removing the page from the print job. Corrections can also be added so that only the revised, correct voter registration notices will print in that batch.

Any applicant that is 16 years of age or older but who will not be 18 years of age on or before the day of the next general election may be eligible to pre-register to vote.¹⁵² Applicants, who are considered “pre-registered” to vote, should receive correspondence that acknowledges receipt of their application. This correspondence will be generated automatically by VERIS.

6.7.3 Processing an Out-of-State Cancellation

If the applicant has indicated previous registration in another state, the election authorities in that state will be notified that the individual is now registered in Virginia.¹⁵³ Once you enter the previous state of residence in VERIS, the Department of Elections will send notices to the state of previous residence.

6.8 DENYING A REGISTRATION APPLICATION

There are several reasons for denying an application. When a registrar makes the determination to deny an application, the applicant must receive a notice of the denial and the specific reason his application was denied.¹⁵⁴ Further any denial must be accompanied with a new voter registration application.

The following are reasons for voter registration application denials:

- The applicant has provided incomplete information required on the application.¹⁵⁵
- The applicant has provided information that indicates he is not qualified to register (*e.g.*, too young, convicted felon, or not a citizen).¹⁵⁶
- The applicant did not sign the application.¹⁵⁷
- The registrar determines the applicant matches a prohibited voter record.

The registrar must send the notice within 5 days of denying the registration.¹⁵⁸ The denial notice and correspondence is automatically generated through VERIS. The denial must be in writing and through email or telephone, if provided by the applicant. A denial due to a felony conviction or death will automatically cancel the current registration. If the applicant provided a telephone number, the general registrar may contact the applicant to make corrections.

6.8.1 Steps for Processing

1. Mark the application

If using the standard Virginia application, enter the date of denial and the reason for the denial wherever you can find space on the form.

¹⁵² See Code of Virginia [§24.2-403.1](#).

¹⁵³ See Code of Virginia [§24.2-114\(15\)](#).

¹⁵⁴ See Virginia Administrative Code [1VAC20-20-70\(B\)](#). See also Code of Virginia [§24.2-114\(9\)](#).

¹⁵⁵ See Virginia Administrative Code [1VAC20-40-40\(A\)](#).

¹⁵⁶ See Virginia Const. [Art. II, §2](#).

¹⁵⁷ See Code of Virginia [§24.2-418](#).

¹⁵⁸ See Code of Virginia [§24.2-422\(A\)](#).



2. Enter the application into VERIS

Applications can be entered in VERIS either by first completing a “Voter Search” or going straight to the “Add Voters” page as noted above.

After the application to be denied is entered, the “Deny” button is selected with the appropriate reason for denial from the drop-down box. Space is also provided for any other comments needed. If the denial reason selected is “Missing Information” the appropriate boxes are checked to indicate what was missing. An explanation of the denial drop-downs may be found in the VERIS Step-By-Step.

The system will automatically generate denial notices listing the reason for denial selected and will insert any other comments provided. These letters can be printed individually or in batch mode. Selecting batch reporting allows selecting the appropriate Voter Registration Acknowledgment report and either printing all letters or selecting individual letters to print.

By entering all denied applications and entering the NVRA Tracking ID, it is not necessary to keep a separate tally of all denied applications. VERIS will be able to report the number of denials entered for each Application Origin Code. VERIS will also enable the registrar to search for all denied applications.

3. Copy and File

Mail the denial letter to the applicant. If the applicant was denied due to incomplete information, include a new application form with the mailing.¹⁵⁹

If the applicant was denied due to a felony conviction, include information from the Secretary of the Commonwealth that describes procedures for applying for restoration of voting rights.

6.8.1.1 Transferring Registrations

Localities receiving applications for transfers should request from the losing locality the alpha card if the alpha card is not available electronically on the VERIS record

1. Create an empty envelope library with each localities’ number and address. Most of you already have something like that in place.
2. Run the **Transfer Out Registrations** report each Friday. Date set to previous Friday to Thursday i.e.: Running a report for 02/02 means setting the start date as Friday, Jan 26 with an end date of Thursday, Feb 1.
3. If you are a **non-scanned** alpha location, pull the alphas using the report and note the receiving locality name or number in a corner of the alpha.
4. Once alpha cards are pulled, insert them into the receiving localities’ envelope and put it in the mail.

¹⁵⁹ See Code of Virginia §[24.2-422\(B\)](#).



6.9 CHALLENGES TO VOTER REGISTRATIONS

Whenever a registered voter is alleged to be “improperly registered” either by the general registrar or by any three qualified voters of the locality in which the allegation is made, the general registrar must hold a hearing to determine if that voter’s registration should be cancelled.¹⁶⁰ While there are no specific definitions for what’s considered “improperly registered”, it is important to note that the challenge process cannot be used solely because a voter may have moved.¹⁶¹ If you determine that a voter’s potential move is the basis of a challenge, you should inform the petitioners that a hearing under §24.2-429 cannot be conducted as voters who may have moved are subject to the confirmation process pursuant to §20507 of the NVRA and §24.2-428 of the Code of Virginia.

If you receive a challenge that you determine is on some other basis other than a voter’s move to a new address, you may begin the notice and hearing process as long as it is not within 60 days of a November general election or within 30 days of any other election.¹⁶² Should a challenge be filed in your locality during this restricted timeframe, you should send a letter to the voters who filed the challenge acknowledging receipt and notifying these individuals that hearings will not be held until after the election in accordance with state law.

Prior to administering a hearing there are several notice requirements that must be met:

1. You must post at the courthouse or publish in a newspaper of general circulation in your locality the name of the registered voter on a list of persons whose registrations are to be cancelled.
2. You must also certify the above list and deliver or send by mail to the chairman of each political party in your locality. If sent by mail, you must obtain a certificate of mailing.
3. You must also send a notice by mail to the last known address of each registered voter on the list, stating (i) the reasons provided by law for the cancellation, (ii) the facts on which the cancellation is based, and (iii) when you, at your office during regular office hours, will hear testimony produced for or against the right of persons named in the notice to be retained on the registration records.

The hearing must be held not less than 10 days after the mailing of the notice to the voter(s) on the list. At the hearing, you shall hear the testimony produced and shall determine if the registered voter named in the notice is qualified to vote in the county or city. You should ensure there is a formal transcript of the hearing and any testimony provided. If the person is no longer qualified to vote, you shall cancel the voter’s registration. Additionally, if the registered voter that is challenged fails to appear to the hearing, their registration shall be cancelled.¹⁶³ You are permitted continue the hearing for a period of not more than 30 days in order to make a final determination.

¹⁶⁰ See Code of Virginia §[24.2-429](#).

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*



If the voter who was challenged, or any other qualified voter of the locality, disagrees with the general registrar's decision to cancel or not cancel the voter's registration they may submit an appeal to the circuit court of the associated locality.¹⁶⁴ Ultimately, the voter bears the burden of proving that they are qualified to vote in your locality.¹⁶⁵ It is important that you contact your local counsel for any legal guidance prior to administering a hearing if there are any procedural questions.

VERIS INFORMATION INDEX

Use this index to find the VERIS related information in this chapter by clicking on the page number and section.

Timeliness of Applications

See [section 3.4](#)

Application Origin Codes

See [section 3.5.6](#).

Procedures Upon Receipt of Voter Registration Applications

See [section 3.6](#).

Processing a Valid Voter Registration Applications in VERIS

See [section 3.7](#).

Denying an Application

See [section 3.8](#).

Can't find what you're looking for? See the VERIS Step-by-Step guide for a walkthrough of all of VERIS's processes.

¹⁶⁴ See Code of Virginia §§[24.2-430](#).

¹⁶⁵ *Sachs v. Horan*, 252 Va. 247, 475 S.E.2d 276 (1996)

