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SENATE BILL NO. 813

Offered January 8, 2025

Prefiled December 30, 2024

A BILL to amend and reenact §§ 24.2-404 and 24.2-428 of the Code of Virginia, relating to voter registration, regular periodic review of registration records; 90-day quiet period before all primary and general elections.

Patron—Rouse

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404 and 24.2-428 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404. Duties of Department of Elections.

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

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

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

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

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

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

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

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

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

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

9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the Department in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The Department may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.

10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses

59 have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine  
60 eligibility of individuals to vote in Virginia.

61 11. *Complete, not later than 90 days prior to the date of a primary or general election, any program the*  
62 *purpose of which is to systematically remove the names of ineligible voters from the voter registration system.*  
63 *This restriction shall not be construed to preclude (i) the removal of names from the voter registration system*  
64 *at the request of the registrant or as provided by this chapter by reason of criminal conviction or mental*  
65 *incapacity or the death of the registrant or (ii) the correction of registration records pursuant to this chapter.*

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

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

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

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

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

85 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31 to  
86 the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter  
87 registration system and the results of those activities. The Department's report shall be governed by the  
88 provisions of § 2.2-608 and shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and  
89 subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-  
90 410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used in gathering and analyzing the  
91 data. The Commissioner of Elections shall certify that the data included in the report is accurate and reliable.

92 **§ 24.2-428. Regular periodic review of registration records; notice to voters identified as having**  
93 **moved; placement on inactive status for failure to respond to notice.**

94 A. The Department of Elections shall establish a voter list maintenance program using the change of  
95 address information supplied by the United States Postal Service through its licensees or by other reliable  
96 sources to identify voters whose addresses may have changed. Any such program shall be regular and  
97 periodic and shall be conducted at least annually. ~~The program shall be completed not later than ninety days~~  
98 ~~prior to the date of a federal primary or federal general election.~~

99 B. If it appears from information provided by the Postal Service or by other reliable sources that a voter  
100 has moved to a different address in the same county or city in which the voter is currently registered, the  
101 Department shall provide to the general registrar the information necessary to change the registration records  
102 to show the new address, and the Department or the general registrar shall send to the new address of the  
103 voter by forwardable mail, a notice of the change, along with a postage prepaid, pre-addressed return card by  
104 which the voter may verify or correct the address information.

105 C. If it appears from information provided by the Postal Service or by other reliable sources that a voter  
106 has moved to a different address not in the same county or city, the Department or the general registrar shall  
107 send to the last known address of the voter by forwardable mail, a notice on a form prescribed by the  
108 Department, along with a postage prepaid and pre-addressed return card on which the voter may state his  
109 current address.

110 D. The registered voter shall complete and sign the return card subject to felony penalties for making false  
111 statements pursuant to § 24.2-1016.

112 E. The general registrar shall correct his registration records from the information obtained from the return  
113 card. If the information indicates that the registered voter has moved to another general registrar's jurisdiction  
114 within the Commonwealth, the general registrar shall transfer the registration record, along with the return  
115 card, to the appropriate general registrar who shall treat the request for a change of address as a request for  
116 transfer and shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-  
117 424. If the general registrar does not receive the return card provided for in subsection C of this section  
118 within thirty days after it is sent to the voter, the registered voter's name shall be placed on inactive status. A  
119 registered voter's failure to receive the notice shall not affect the validity of the inactivation.