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SENATE BILL NO. 813**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Privileges and Elections
on January 21, 2025)

(Patron Prior to Substitute—Senator Rouse)

A BILL to amend and reenact §§ 24.2-404, 24.2-427, 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.

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-404, 24.2-427, 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~~ 60 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 have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.

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

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

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

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

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

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

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

92 **§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified**
93 **to vote.**

94 A. Any registered voter may cancel his registration and have his name removed from the central
95 registration records by signing an authorization for cancellation and mailing or otherwise submitting the
96 signed authorization to the general registrar. When submitted by any means other than when notarized or in
97 person, such cancellation must be made at least 22 days prior to an election in order to be valid in that
98 election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or
99 by first-class mail that his registration has been canceled within 10 days of receipt of such authorization.

100 B. The general registrar shall promptly cancel the registration of (i) all persons known by him to be
101 deceased; (ii) all persons known by him to be disqualified to vote by reason of a felony conviction or
102 adjudication of incapacity; (iii) all persons known by him not to be United States citizens by reason of reports
103 from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based
104 on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program)
105 pursuant to subsection E of § 24.2-404 and in accordance with the requirements of subsection C; (iv) all
106 persons for whom a notice has been received, signed by the voter, or from the registration official of another
107 jurisdiction that the voter has moved from the Commonwealth; and (v) all persons for whom a notice has
108 been received, signed by the voter, or from the registration official of another jurisdiction that the voter has
109 registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received
110 in clauses (iv) and (v) shall be considered as a written request from the voter to have his registration
111 cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar
112 discovers that the person is no longer entitled to be registered. The general registrar shall provide notice of
113 any cancellation to the person whose registration is cancelled, by mail to the address listed in the voter's
114 registration record and by email to the email address provided on the voter's registration application, if one
115 was provided.

116 C. The general registrar shall mail notice promptly to all persons known by him not to be United States
117 citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the
118 Department of Elections based on information received from the Systematic Alien Verification for
119 Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling their
120 registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from

121 the Department of Elections and allow the person to submit his sworn statement that he is a United States
 122 citizen within ~~14~~ 28 days of the date that the notice was mailed. The general registrar shall cancel the
 123 registrations of such persons who do not respond within ~~14~~ 28 days to the notice that they have been reported
 124 not to be United States citizens.

125 D. The general registrar shall (i) process the Department's most recent list of persons convicted of felonies
 126 within 21 to 14 days before any primary or general election, (ii) cancel the registration of any registered voter
 127 shown to have been convicted of a felony who has not provided evidence that his right to vote has been
 128 restored, and (iii) send prompt notice to the person of the cancellation of his registration. If it appears that any
 129 registered voter has made a false statement on his registration application with respect to his having been
 130 convicted of a felony, the general registrar shall report the fact to the attorney for the Commonwealth for
 131 prosecution under § 24.2-1016 for a false statement made on his registration application.

132 E. The general registrar may cancel the registration of any person for whom a notice has been submitted
 133 to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§
 134 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved
 135 from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at
 136 both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most
 137 recently been registered in Virginia. No general registrar may cancel registrations under this authority while
 138 the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this
 139 authority of any person entitled to register under the provisions of subsection A of § 24.2-420.1, and shall
 140 reinstate the registration of any otherwise qualified voter covered by subsection A of § 24.2-420.1 who
 141 applies to vote within four years of the date of cancellation.

142 **§ 24.2-428. Regular periodic review of registration records; notice to voters identified as having**
 143 **moved; placement on inactive status for failure to respond to notice.**

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

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

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

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

162 E. The general registrar shall correct his registration records from the information obtained from the return
 163 card. If the information indicates that the registered voter has moved to another general registrar's jurisdiction
 164 within the Commonwealth, the general registrar shall transfer the registration record, along with the return
 165 card, to the appropriate general registrar who shall treat the request for a change of address as a request for
 166 transfer and shall send a voter registration card as confirmation of the transfer to the voter pursuant to §
 167 24.2-424. If the general registrar does not receive the return card provided for in subsection C of this section
 168 within thirty days after it is sent to the voter, the registered voter's name shall be placed on inactive status. A
 169 registered voter's failure to receive the notice shall not affect the validity of the inactivation.