

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 24.2-404, 24.2-427, and 24.2-428 of the Code of Virginia, relating to voter*
 3 *registration, regular periodic review of registration records; 90-day quiet period before all primary and*
 4 *general elections.*

5 [S 813]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That §§ 24.2-404, 24.2-427, and 24.2-428 of the Code of Virginia are amended and reenacted as**
 9 **follows:**

10 **§ 24.2-404. Duties of Department of Elections.**

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

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

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

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

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

23 4. Require the general registrars to delete from the record of registered voters the name of any voter who
 24 (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of
 25 his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to
 26 be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to §
 27 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien
 28 Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no
 29 longer qualified to vote as may be provided by law. Such action shall be taken no later than ~~30~~ 60 days after
 30 notification from the Department. The Department shall promptly provide the information referred to in this
 31 subdivision, upon receiving it, to general registrars.

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

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

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

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

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

54 10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and
 55 voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses
 56 have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine

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57 eligibility of individuals to vote in Virginia.

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

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

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

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

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

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

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

90 **§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified**
 91 **to vote.**

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

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

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

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

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

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

140 **§ 24.2-428. Regular periodic review of registration records; notice to voters identified as having**
 141 **moved; placement on inactive status for failure to respond to notice.**

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

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

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

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

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