

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-427 of the Code of Virginia, relating to voter registration; cancellation*
 3 *of registration; sources of data.*

4 [H 2002]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 24.2-427 of the Code of Virginia is amended and reenacted as follows:**8 **§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified**
 9 **to vote.**

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

16 B. The general registrar shall promptly cancel the registration of (i) all persons known by him to be
 17 deceased; (ii) all persons known by him to be disqualified to vote by reason of a felony conviction or
 18 adjudication of incapacity; (iii) all persons known by him not to be United States citizens by reason of reports
 19 from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based
 20 on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program)
 21 pursuant to subsection E of § 24.2-404 and in accordance with the requirements of subsection C; (iv) all
 22 persons for whom a notice has been received, signed by the voter, or from the registration official of another
 23 jurisdiction that the voter has moved from the Commonwealth; and (v) all persons for whom a notice has
 24 been received, signed by the voter, or from the registration official of another jurisdiction that the voter has
 25 registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received
 26 in clauses (iv) and (v) shall be considered as a written request from the voter to have his registration
 27 cancelled. *Except for a written request from the voter to have his registration cancelled, the general registrar*
 28 *shall not cancel the registration of any voter based on data or reports provided to him by any source other*
 29 *than the Department of Elections or a state agency approved to provide such data or reports by the State*
 30 *Board of Elections.* A voter's registration may be cancelled at any time during the year in which the general
 31 registrar discovers that the person is no longer entitled to be registered. The general registrar shall provide
 32 notice of any cancellation to the person whose registration is cancelled, by mail to the address listed in the
 33 voter's registration record and by email to the email address provided on the voter's registration application, if
 34 one was provided.

35 C. The general registrar shall mail notice promptly to all persons known by him not to be United States
 36 citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the
 37 Department of Elections based on information received from the Systematic Alien Verification for
 38 Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling their
 39 registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from
 40 the Department of Elections and allow the person to submit his sworn statement that he is a United States
 41 citizen within 14 days of the date that the notice was mailed. The general registrar shall cancel the
 42 registrations of such persons who do not respond within 14 days to the notice that they have been reported not
 43 to be United States citizens.

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

51 E. The general registrar may cancel the registration of any person for whom a notice has been submitted
 52 to the Department of Motor Vehicles in accordance with the Driver License Compact set out in Article 18 (§
 53 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that the voter has moved
 54 from the Commonwealth; provided that the registrar shall mail notice of such cancellation to the person at
 55 both his new address, as reported to the Department of Motor Vehicles, and the address at which he had most
 56 recently been registered in Virginia. No general registrar may cancel registrations under this authority while

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57 the registration records are closed pursuant to § 24.2-416. No registrar may cancel the registration under this
58 authority of ~~any person entitled to register under the provisions of subsection A of § 24.2-420.1~~, and (i) any
59 *person who is a member of a uniformed service of the United States, as defined in § 24.2-452, who is on*
60 *active duty; (ii) any person who resides temporarily outside of the United States; or (iii) any spouse or*
61 *dependent residing with a person listed in clause (i) or (ii) who is otherwise qualified to register and who, by*
62 *reason of such active duty or temporary overseas residency, either (a) is normally absent from the city or*
63 *county in which he resides or (b) has been absent from such city or county and returned to reside there*
64 *during the 28 days immediately preceding the election. The general registrar shall reinstate the registration of*
65 *any such person who is otherwise a qualified voter covered by subsection A of § 24.2-420.1* who applies to
66 vote within four years of the date of cancellation.