

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 2.2-3711, 24.2-401, 24.2-404, 24.2-408, 24.2-409, 24.2-410, 24.2-410.1, 24.2-427, 24.2-435, 24.2-444, 24.2-703.1, and 24.2-709 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 24.2-407.2, by adding in Chapter 4 of Title 24.2 an article numbered 2.1 and by adding in such article sections numbered 24.2-407.3 and 24.2-410.3 through 24.2-410.6, and by adding sections numbered 24.2-426.1 and 24.2-427.1; and to repeal §§ 24.2-404.3, 24.2-404.4, 24.2-410.2, 24.2-428, 24.2-428.1, and 24.2-428.2 of the Code of Virginia, relating to voter registration; list maintenance activities; cancellation procedures; record matches; required identification information; data standards.

[H 2276]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3711, 24.2-401, 24.2-404, 24.2-408, 24.2-409, 24.2-410, 24.2-410.1, 24.2-427, 24.2-435, 24.2-444, 24.2-703.1, and 24.2-709 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-407.2, by adding in Chapter 4 of Title 24.2 an article numbered 2.1 and by adding in such article sections numbered 24.2-407.3 and 24.2-410.3 through 24.2-410.6, and by adding sections numbered 24.2-426.1 and 24.2-427.1 as follows:

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided that the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is

consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided that the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement

system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion University, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including

interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to ~~§ 24.2-410.2~~ 24.2-407.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)

of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established pursuant to § 15.2-1627.6.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 24.2-401. Persons moving from precinct.

A person who is qualified to vote except for having moved his residence from one precinct to another within the Commonwealth may vote in the precinct from which he has moved in the following November general election and any intervening election unless his registration has been transferred or ~~canceled~~ *canceled* as provided in this chapter. In addition, a person may continue to vote in the precinct from which he has moved through the ensuing second general election for federal office, provided that (i) he has moved his residence from one precinct to another in the same registrar's jurisdiction and the same congressional district; (ii) he has failed to respond to the notice provided in § ~~24.2-428~~ *24.2-410.4*; (iii) his registration has not been transferred or ~~canceled~~ *canceled* as provided in this chapter; and (iv) he has affirmed orally or in writing his new address before an officer of election at the polling place.

§ 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~~ *Create a cancellation record, or direct the general registrars to create a record, to be retained on the system for at least four years a separate record, for each registered voters voter whose names have been deleted registration is canceled, with the reason for deletion cancellation. In accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and 52 U.S.C. § 20507(i), such cancellation records shall be made available for public inspection and copying.*

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~~ *In accordance with the provisions of § 24.2-410.3, 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.*

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

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

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

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

E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of

Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

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

§ 24.2-407.2. Security of the Virginia voter registration system.

A. The State Board shall promulgate regulations and standards necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies utilized by the counties and cities to maintain and record registrant information. The State Board shall, in consultation with representatives of local government information technology professionals and general registrars, update the security standards at least annually. Such review shall be completed by November 30 of each year.

B. The electoral board of each county and city that utilizes supporting technologies to maintain and record registrant information shall develop and annually update written plans and procedures to ensure the security and integrity of those supporting technologies. All plans and procedures shall be in compliance with the security standards established by the State Board pursuant to subsection A. Each electoral board shall report annually by March 1 to the Department of Elections on its security plans and procedures. The general registrar and the Department of Elections shall provide assistance to the electoral board, upon request by the electoral board.

C. In accordance with the process prescribed by the State Board, the Department of Elections may limit access to the Virginia voter registration system by any county or city that has failed to comply with the provisions of subsection B or the security standards established by the State Board pursuant to subsection A. Such access shall be limited as necessary in order to address and resolve any security risks or to enforce compliance with the provisions of subsection B or the security standards established by the State Board. Prior to restricting access to the Virginia voter registration system by any county or city, the Department of Elections shall provide notice to the county or city of the failure to comply with the provisions of subsection A or B and the county or city shall have seven days to correct any deficiencies. The Department of Elections may provide technical assistance to any county or city upon request by the county or city.

D. Records of the State Board or of a local electoral board, to the extent such records describe protocols for maintaining the security of the Virginia voter registration system and the supporting technologies utilized to maintain and record registrant information, the release of which would compromise the security of the Virginia voter registration system, shall be confidential and excluded from inspection and copying under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

E. The State Board or a local electoral board may hold a closed meeting pursuant to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) for the purpose of discussing protocols for maintaining the security of the Virginia voter registration system and the supporting technologies utilized to maintain and record registrant information, where discussion of such matters in open meeting would compromise the security of the Virginia voter registration system. Nothing in this subsection shall be construed to authorize a closed meeting to discuss any breach of security of the Virginia voter registration system.

F. Nothing in this section shall be construed to prohibit the release of information concerning any breach of security of the Virginia voter registration system.

Article 2.1.

List Maintenance.

§ 24.2-407.3. Duty of Department of Elections; list maintenance activities; annual review; report.

A. Upon receipt of any list, record, or other information provided pursuant to this article, the Department shall compare the contents of such list or record to the list of all registered voters maintained on the voter registration system and determine the confidence score in accordance with subsection B for any match of a registration record with information on the list or record received.

B. When comparing a registration record with information on a list or record received pursuant to this article, the Department shall determine the confidence score for any match by adding points for information matches based on the following criteria:

1. A match of the full Social Security number: 50 points.
2. A match of the last four digits of the Social Security number: 10 points.
3. A match of the Virginia Department of Motor Vehicles customer identifier number: 40 points.

4. A match of the date of birth: 25 points.

5. A match of the last name: 15 points.

6. A match of the first name: 15 points.

7. A match of the middle name: 5 points.

8. A match of a suffix: 5 points.

9. A match of the residence address: 10 points.

10. A match of the zip code: 5 points.

C. The Department shall transmit to the appropriate general registrar a voter's registration record only if the match has a confidence score of at least 80. The general registrars shall use the information received pursuant to this subsection to carry out their duties in accordance with § 24.2-427.

D. The Department shall conduct an annual review of all sources of data utilized pursuant to this article for list maintenance activities in the preceding 12-month period for the purpose of determining the validity, completeness, accuracy, and reliability of the data received from each source. The results of such review, including the methodology used to analyze and determine accuracy and reliability, shall be included in the Department's report required pursuant to subsection E.

E. The Department shall report annually by August 1 for the preceding 12 months ending June 30 to the House and Senate Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The Department's report shall be governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to this article and Article 5 (§ 24.2-426.1 et seq.). This report shall contain the methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that the data included in the report is accurate and reliable.

§ 24.2-408. Lists of deceased voters; State Registrar of Vital Records; Social Security Administration.

A. The State Registrar of Vital Records shall transmit to the Department of Elections by electronic means a weekly list of all persons 17 years of age or older who have died in the Commonwealth subsequent to its previous weekly list. The lists shall be in a format specified by the Department and shall contain ~~the deceased's name; address; county, city, or town of residence; social security number, if any; and date and place of his birth and of his death,~~ at a minimum, the following identification information for each person included on the list: (i) his last name, including any other last name used; (ii) his first name, including any other name used; (iii) his middle name or initial; (iv) his date of birth; (v) his social security number, if any; (vi) his last known address of residence, including the county, city, or town; and (vii) his date of death.

B. On or before July 1 of each year, the Department shall conduct a match of the Virginia registered voter lists with the list of deceased persons maintained by the Social Security Administration.

C. The Department shall compare the contents of such lists to identify record matches in accordance with § 24.2-407.3, and the general registrars shall have access to the information in the lists necessary to carry out their duties pursuant to § 24.2-427. The Department shall maintain a permanent record of the information in the lists as part of the voter registration system; ~~and the general registrars shall use the information in the lists to carry out their duties pursuant to § 24.2-427.~~ Information in the lists shall be confidential and consistent with the requirements of § 32.1-271.

§ 24.2-409. Lists of persons convicted of felonies; Central Criminal Records Exchange.

~~The~~ A. Each month, the Central Criminal Records Exchange shall transmit to the Department of Elections by electronic means ~~(i) a monthly~~ a list of all persons convicted of a felony during the preceding month ~~and (ii) an annual list of all persons who have been convicted of a felony, regardless of when the conviction occurred.~~ The list shall be in a format mutually agreed upon by the Commissioner of Elections and the Department of State Police and shall contain ~~the convicted person's name; address; county, city, or town of residence; social security number, if any; date and place of birth; and date of conviction,~~ at a minimum, the following identification information for each person included on the list: (i) his last name, including any other last name used; (ii) his first name, including any other name used; (iii) his middle name or initial; (iv) his date and place of birth; (v) his social security number, if any; (vi) his last known address of residence, including the county, city, or town; and (vii) the date of conviction. ~~The Department shall maintain a permanent record of the information in the lists as part of the voter registration system.~~

B. Upon receipt of the monthly list, the Department shall compare, ~~on a monthly basis,~~ the contents of the list to the list of all registered voters maintained on the voter registration system ~~and shall notify the appropriate general registrar of the felony conviction of any registered voter to identify record matches in accordance with § 24.2-407.3.~~ The general registrars shall have access to the information in the lists necessary to carry out their duties pursuant to § 24.2-427.

C. On or before July 1 of each year, the Central Criminal Records Exchange shall transmit to the Department of Elections by electronic means a list of all persons convicted of a felony, regardless of when the conviction occurred. The list shall be in a format mutually agreed upon by the Commissioner of Elections and the Department of State Police and shall contain, at a minimum, the information required in clauses (i) through (viii) of subsection A for monthly lists. Upon receipt of the annual list, the Department shall compare

the contents of the list to the list of all registered voters maintained on the voter registration system and shall notify the appropriate general registrar of the felony conviction of any registered voter to identify record matches in accordance with § 24.2-407.3. The general registrars shall have access to the information in the lists necessary to carry out their duties pursuant to § 24.2-427.

D. The Department shall maintain as part of the voter registration system a permanent record of the information in the lists received pursuant to this section.

§ 24.2-410. Lists of certain adjudications; clerks of circuit court.

The A. Each month, the clerk of each circuit court shall furnish monthly transmit to the Department of Elections by electronic means a complete list of all persons who have been adjudicated incapacitated pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 or whose incapacity has been recognized pursuant to § 64.2-2115, and therefore "mentally incompetent" for purposes of this title unless the court order specifically provides otherwise, during the preceding month or. If no such adjudications have occurred that month, the clerk shall transmit to the Department instead a statement that no adjudications have occurred that month. The list shall contain, at a minimum, the following identification information for each such person's person included on the list: (i) his last name, including any other last name used; (ii) his first name, including any other name used; (iii) his middle name or initial; (iv) his last known address of residence, including the county, city, or town of residence; (v) his social security number, if any; (vi) his Department of Motor Vehicles customer identifier number, if any; (vii) his date and place of birth; and (viii) the date of his adjudication. The Commissioner of Elections and the Executive Secretary shall determine the procedure for furnishing such lists, which may be by electronic means.

B. Upon receipt of the monthly list, the Department shall compare the contents of the list to the list of all registered voters maintained on the voter registration system to identify record matches in accordance with § 24.2-407.3. The general registrars shall have access to the information in the lists necessary to carry out their duties pursuant to § 24.2-427.

C. The Department shall transmit maintain as part of the voter registration system a permanent record of the information from the list to the appropriate general registrars in the lists received pursuant to this section.

§ 24.2-410.1. Lists of noncitizens; Department of Motor Vehicles.

A. The Department of Motor Vehicles shall include on the application for any document, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 a statement asking the applicant if he is a United States citizen. Information on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

B. The Department of Motor Vehicles shall furnish monthly to the Department of Elections a complete list of all persons who have indicated a noncitizen status to the Department of Motor Vehicles in obtaining any document, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. Such list shall contain, at a minimum, the following identification information for each person included on the list: (i) his last name, including any other last name used; (ii) his first name, including any other name used; (iii) his middle name or initial; (iv) his date and place of birth; (v) his social security number, if any; (vi) his Department of Motor Vehicles customer identifier number, if any; and (vii) his last known address of residence, including the county, city, or town.

The C. Upon receipt of the monthly list, the Department of Elections shall transmit the information from the list to the appropriate compare the contents of the list to the list of all registered voters maintained on the voter registration system to identify record matches in accordance with § 24.2-407.3. The general registrars shall have access to the information in the lists necessary to carry out their duties pursuant to § 24.2-427. Information in the lists shall be confidential and available only for official use by the Department of Elections and general registrars.

B- D. For the purposes of this section, the Department of Motor Vehicles is not responsible for verifying the claim of any applicant who indicates United States citizen status when applying for any document, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

§ 24.2-410.3. Exchange of registered voter lists with other states.

A. The Department of Elections shall (i) request voter registration information and lists of persons voting at primaries and elections, if available, from the states bordering the Commonwealth and (ii) utilize data regarding voter registration and lists of persons voting at primaries and elections received through list comparisons with other states in order to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered as part of its duty to maintain the overall accuracy of the voter registration system.

B. The Department shall compare the data received pursuant to subsection A with the state voter registration list to identify record matches in accordance with § 24.2-407.3. The Department shall include in its report to the House and Senate Committees on Privileges and Elections, required by § 24.2-407.3, the progress of activities conducted under this section, including the number of duplicate registrations found to exist and the procedures that the Department and general registrars are following to eliminate duplicate registrations from the Virginia registered voter lists.

C. The Department shall not utilize any data received pursuant to subsection A for list maintenance purposes when such data file does not include a unique identifier for each individual whose information is contained in the data file. For purposes of this subsection, a "unique identifier" means an individual's full social security number or Virginia Department of Motor Vehicles customer identifier number, or any data field or combination of data fields that can be reliably linked to a single individual.

§ 24.2-410.4. Regular periodic review of registration records; confirmation notification process.

A. In accordance with the National Voter Registration Act of 1993 (52 U.S.C. § 20501 et seq.), the Department of Elections shall establish a voter list maintenance program using the change of address information supplied by the United States Postal Service through its licensees, or by other reliable sources, to identify voters whose addresses may have changed. Any such program shall be regular and periodic and shall be conducted at least annually. The program shall be completed not later than 90 days prior to the date of a federal primary or federal general election.

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

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

D. The registered voter shall complete and sign the return card subject to felony penalties for making false statements pursuant to § 24.2-1016 and shall return such card to the general registrar within 30 days of it being sent.

E. The general registrar shall correct his registration records from the information obtained from the return card. If the information indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the general registrar shall transfer the registration record, along with the return card, to the appropriate general registrar who shall treat the request for a change of address as a request for transfer and shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-424.

§ 24.2-410.5. Placement on inactive status; other initiating events for confirmation notification process.

A. If a registered voter who has been sent a return card pursuant to § 24.2-410.4 does not return such card within 30 days of it being sent to the voter, the registered voter's name shall be placed on inactive status. A registered voter's failure to receive the notice shall not affect the validity of the inactivation.

B. The general registrars shall follow the confirmation notification process set forth in § 24.2-410.4 if:

1. A registered voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system; or

2. Any of the following documents were sent to a registered voter and are returned by the United States Postal Service as undeliverable:

a. An acknowledgment of registration;

b. An acknowledgment of transfer to a new address;

c. An absentee ballot or application for an absentee ballot sent or provided in accordance with Chapter 7 (§ 24.2-700 et seq.);

d. Notification to a voter after a precinct reassignment;

e. Notification of a change of address sent to a voter in accordance with subsection B of § 24.2-410.4; or

f. Any official voter registration or election mail.

§ 24.2-410.6. Return of registered voter to active status; cancellation after period of inactivity.

A. In accordance with the National Voter Registration Act of 1993 (52 U.S.C. § 20501 et seq.), a registered voter shall be returned to active status from inactive status if, during the period beginning on the date the voter was assigned to inactive status and ending on the day of the second general election for federal office thereafter, the voter:

1. Notifies the general registrar of a change of address within the county or city;

2. Responds to a confirmation notice with information that the voter continues to reside at the registration address;

3. Votes or attempts to vote in a primary or a special or general election and, if necessary, corrects the registration record; or

4. Transfers his registration to another county or city within the Commonwealth pursuant to § 24.2-424 or subsection E of § 24.2-410.4.

B. In accordance with the National Voter Registration Act of 1993 (52 U.S.C. § 20501 et seq.), a registered voter assigned inactive status shall have his voter registration canceled if, during the period

beginning on the date the voter was assigned to inactive status and ending on the day of the second general election for federal office thereafter, the voter fails to take an action set out in subdivisions A 1 through 4.

C. The general registrar shall post at the courthouse or have published in a newspaper of general circulation in his county or city a list of names of persons whose registration has been canceled pursuant to this section. The general registrar shall deliver or mail, obtaining a certificate of mailing, a certified copy of the list to the chairman of each political party in his county or city.

§ 24.2-426.1. Cancellation of registration by voter.

A. Any registered voter may cancel his registration by submitting to the general registrar a written authorization, signed by the voter, that his voter registration shall be canceled. Such cancellation authorization shall be made at least 22 days prior to an election in order to be valid in that election, unless such cancellation authorization is made in person or notarized. Within 10 days of receiving such authorization, the general registrar shall acknowledge receipt of the authorization and advise the voter by first-class mail, or in person if such authorization is made in person, that his registration has been canceled.

B. Notice received by a general registrar from the registration official of another jurisdiction, or signed by the voter, that a registered voter has moved from the Commonwealth or that the registered voter has registered to vote outside the Commonwealth subsequent to his registration in the Commonwealth shall be considered a written authorization from the voter to have his registration canceled. Information received through a list exchange or list comparison pursuant to § 24.2-410.3 shall not be deemed to be notice for purposes of this subsection.

§ 24.2-427. Cancellation of registration for persons known to be deceased or disqualified to vote.

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

B. The general registrar shall promptly cancel the registration of (i) all persons known by him to be deceased; (ii) all persons known by him to be disqualified to vote by reason of a felony conviction or adjudication of incapacity; (iii) all persons known by him not to be United States citizens 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 of § 24.2-404 and in accordance with the requirements of subsection C; (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and (v) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia or disqualified to vote in accordance with the provisions of this section. A voter's registration may be canceled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall provide notice of any cancellation to the person whose registration is canceled, by mail to the address listed in the voter's registration record and by email to the email address provided on the voter's registration application, if one was provided. The notice received in clauses (iv) and (v) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall provide notice of any cancellation to the person whose registration is cancelled, by mail to the address listed in the voter's registration record and by email to the email address provided on the voter's registration application, if one was provided.

C. Upon receipt of a list of deceased persons from the Department pursuant to subsection C of § 24.2-408, the general registrar shall mail notice promptly to the physical and email registration addresses of all persons listed prior to cancelling the registrations of such persons. The notice shall inform the recipient of the reports from the State Registrar of Vital Records and the Social Security Administration and allow the recipient, if he is the same voter identified by the list as deceased, to submit his sworn statement that he has been identified as deceased in error within 14 days of the date that the notice was mailed. The general registrar shall cancel the registrations of such voters who do not respond within 14 days to the notice that a voter registered at that address was identified as deceased.

C. Upon receipt of a report 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 of § 24.2-404, the general registrar shall mail notice promptly to all persons known by him not to be listed in the report as not being a citizen of the United States citizens by reason of a report 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 of § 24.2-404 prior to cancelling their the registrations of such persons. The notice shall inform the person of the report from the Department of

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

D. ~~The~~ Upon receipt of notice from the Department of Elections pursuant to § 24.2-409 that a registered voter has been convicted of a felony, the general registrar shall (i) ~~process the Department's most recent list of persons convicted of felonies within 21 to 14 days before any primary or general election;~~ (ii) cancel the registration of any registered voter shown to have been convicted of a felony who has not provided evidence that his right to vote has been restored; and (iii) send prompt notice to the person of the cancellation of his registration. If it appears that any registered voter has made a false statement on his registration application with respect to his having been convicted of a felony, the general registrar shall report the fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made on his registration application mail notice promptly to the registered voter prior to cancelling such person's registration. The notice shall inform the person of the report from the Central Criminal Records Exchange and allow the person to submit his sworn statement that he has not been convicted of a felony or that, if having been convicted of a felony, his right to vote has been restored. Such statement shall be submitted to the general registrar within 14 days of the date that the notice was mailed and the registrar shall cancel the registration of any such person who does not respond within such time.

E. ~~The~~ Upon receipt of a list of persons adjudicated incapacitated from the Department pursuant to subsection B of § 24.2-410, the general registrar shall mail notice promptly to the physical and email registration addresses of all persons listed prior to cancelling the registrations of such persons. The notice shall inform the recipient of the notice from the circuit court and allow the recipient, within 14 days of the date that the notice was mailed, if he is the same voter identified by the notice, to submit his sworn statement that he has never been adjudicated incapacitated, or that, if having been adjudicated incapacitated, the court order declaring his incapacity provided that his right to vote was not to be revoked or that his right to vote was subsequently restored. The general registrar shall cancel the registrations of such voters who do not respond within 14 days to the notice that a voter registered at that address was identified as having been adjudicated incapacitated.

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

§ 24.2-427.1. Cancellation of registration for persons identified by lists exchanged with other states.

A. The general registrar shall promptly cancel the registration of all persons identified as no longer residing in the Commonwealth or otherwise no longer being entitled to be registered as part of a data match program conducted using data collected pursuant to § 24.2-410.3 in accordance with the provisions of this section. A voter's registration may be canceled at any time (i) during the year in which the general registrar discovers that the person is no longer entitled to be registered and (ii) that is not later than 90 days prior to the date of a primary or general election. The general registrar shall provide notice of any cancellation to the person whose registration is canceled by mail to the address listed in the voter's registration record and by email to the email address provided on the voter's registration application, if one was provided.

B. The general registrar shall mail notice promptly to all persons listed prior to cancelling the registrations of such persons. The notice shall inform the recipient that he has been identified as no longer residing in the Commonwealth or otherwise no longer being entitled to be registered as part of a data match program conducted by the Department and allow the person to submit his sworn statement that he is a resident of the Commonwealth and otherwise eligible to be registered at his registration address within 14 days of the date that the notice was mailed. The general registrar shall cancel the registrations of such voters who do not respond within 14 days to the notice.

§ 24.2-435. Records related to cancellation of registration; retention period.

The registration records of voters whose registration has been ~~canceled~~ ~~canceled~~ pursuant to this article shall be retained for ~~two~~ four years from the date of cancellation by the general registrar. However, the registration records of voters whose registration has been cancelled because the voter has moved to another state or the voter has submitted changes to his registration records shall be retained for four years. The

cancellation records required by subdivision A 5 of § 24.2-404 shall also be retained for four years from the date of cancellation by the general registrar.

§ 24.2-444. Duties of general registrars and Department of Elections as to voter registration records; public inspection; exceptions.

A. Registration records shall be kept and preserved by the general registrar in compliance with §§ 2.2-3803, 2.2-3808, and 24.2-114. The Department shall provide to each general registrar, for each precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name, address, year of birth, gender and all election districts applicable to each registered voter. The lists shall be opened to public inspection at the office of the general registrar when the office is open for business. New lists shall be provided not less than once each year to all localities except those in which an updated list is made available electronically for public inspection, and supplements containing additions, deletions, and changes shall be provided not less than (i) weekly during the 60 days preceding any general election and (ii) monthly at other times. Notwithstanding any other provision of law regarding the retention of records, upon receipt of any new complete list, the general registrar shall destroy the obsolete list and its supplements. The Department shall provide to each general registrar lists of persons denied registration for public inspection. Such lists may be provided electronically through the Virginia voter registration system and produced in whole or in part upon a request for public inspection.

B. The general registrars shall maintain for at least two years and shall make available for public inspection and copying and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records pursuant to §§ ~~24.2-410.4, 24.2-410.5, and 24.2-427, 24.2-428 and 24.2-428.1~~, including lists of the names and addresses of all persons to whom notices are sent, and information concerning whether each person has responded to the notice as of the date that inspection of the records is made.

C. No list provided by the Department under subsection A nor any record made available for public inspection under subsection B shall contain any of the following information: (i) an individual's social security number, or any part thereof; (ii) the residence address of an individual who has furnished a post office box address in lieu of his residence address as authorized by subsection B of § 24.2-418; (iii) the declination by an individual to register to vote and related records; (iv) the identity of a voter registration agency through which a particular voter is registered; or (v) the day and month of birth of an individual. No voter registration records other than the lists provided by the Department under subsection A and the records made available under subsection B shall be open to public inspection.

§ 24.2-703.1. Permanent absentee voter list.

A. Any registered voter shall be eligible to file a special application to receive absentee ballots for all elections in which he is eligible to vote. Such application shall be on a form approved by the State Board. The absentee ballots sent to a voter on the permanent absentee voter list shall be sent to the address in the voter's registration record, except as provided in subdivision C 1.

B. In accordance with procedures established by the State Board, the general registrar shall retain the application, enroll the applicant on a permanent absentee voter list, and process the applicant's request for an absentee ballot for each succeeding election. The applicant shall specify by party designation the primary ballots he is requesting.

C. The State Board shall prescribe the process by which a voter on the permanent absentee voter list may:

1. Request that his absentee ballot for (i) a single election or (ii) a primary election and the following general election be sent to an address other than the address on his voter registration record.

2. Request a primary ballot for a political party other than the one he specified on his application for permanent absentee voter status for a single primary election.

3. Change his political party selection for all succeeding primary elections.

D. A voter shall be removed from the permanent absentee voter list if (i) the voter requests in writing to be removed from the list, (ii) the voter's registration is canceled pursuant to § 24.2-427, (iii) the voter's registration is placed on inactive status pursuant to § ~~24.2-428 or 24.2-428.1~~ 24.2-410.4 or 24.2-410.5, or (iv) the voter moves to a different address not in the same county or city of his registration.

§ 24.2-709. Ballot to be returned in manner prescribed by law.

A. Any ballot returned to the office of the general registrar or to a drop-off location in any manner except as prescribed by law shall be void. Absentee ballots shall be returned to the general registrar or to a drop-off location before the closing of the polls. Any voter who is in line to return an absentee ballot at a drop-off location by 7:00 p.m. on the day of the election shall be permitted to deposit his absentee ballot. The registrar receiving the ballot shall (i) seal the ballot in an envelope with the statement or declaration of the voter, or both, attached to the outside and (ii) mark on each envelope the date, time, and manner of delivery. No returned absentee ballot shall be deemed void because (a) the inner envelope containing the voted ballot is imperfectly sealed so long as the outside envelope containing the ballot envelope is sealed or (b) it is not returned sealed in the outside envelope so long as it is returned sealed in the inner envelope.

B. Notwithstanding the provisions of subsection A, any absentee ballot (i) returned to the general registrar

after the closing of the polls on election day but before noon on the third day after the election and (ii) postmarked on or before the date of the election shall be counted pursuant to the procedures set forth in this chapter if the voter is found entitled to vote. For purposes of this subsection, a postmark shall include any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service.

C. Notwithstanding the provisions of subsection A, any absentee ballot (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by a covered voter, as defined in § 24.2-452, shall be counted pursuant to the procedures set forth in this chapter if the voter is found entitled to vote. The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.

D. Notwithstanding the provisions of ~~clause (i) of subsection B~~ A of § 24.2-427, an absentee ballot returned by a voter in compliance with § 24.2-707 and this section who dies prior to the counting of absentee ballots on election day shall be counted pursuant to the procedures set forth in this chapter if the voter is found to have been entitled to vote at the time that he returned the ballot.

2. That §§ 24.2-404.3, 24.2-404.4, 24.2-410.2, 24.2-428, 24.2-428.1, and 24.2-428.2 of the Code of Virginia are repealed.

3. That the provisions of this act shall become effective on July 1, 2026, except that the provisions of §§ 24.2-426.1 and 24.2-427.1 of the Code of Virginia, as created by this act, and § 24.2-427 of the Code of Virginia, as amended by this act, shall become effective in due course.