

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact § 24.2-404 of the Code of Virginia, relating to voter registration; list maintenance; third-party data exchanges; approval by State Board of Elections.*

[H 215]

Approved

**Be it enacted by the General Assembly of Virginia:**  
**1. That § 24.2-404 of the Code of Virginia is amended and reenacted as follows:**  
**§ 24.2-404. Duties of Department of Elections.**

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

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

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

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

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

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

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

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

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

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

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

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

57 polling places, statements of election results by precinct, and any other items required of the Department by  
58 law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

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

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

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

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

75 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31 to  
76 the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter  
77 registration system and the results of those activities. The Department's report shall be governed by the  
78 provisions of § 2.2-608 and shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and  
79 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,  
80 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used in gathering and  
81 analyzing the data. The Commissioner of Elections shall certify that the data included in the report is accurate  
82 and reliable.

83 *G. Prior to entering into or terminating a memorandum of understanding, or modifying the terms of an*  
84 *existing memorandum of understanding, with any third party for the exchange of voter registration data for*  
85 *any purpose, the Commissioner of Elections shall submit the proposed memorandum of understanding, the*  
86 *reason for termination, or the proposed modifications, as appropriate, to the State Board for review and*  
87 *approval. Approval of such memorandum of understanding, or termination thereof, or modifications thereto,*  
88 *shall require a vote of two-thirds of the State Board. However, the provisions of this subsection do not apply*  
89 *to any data sharing agreements established between the Department and any other entity mandated by law to*  
90 *exchange data with the Department in order to operate and maintain the Virginia voter registration system.*

91 **2. That for the purpose of complying with the requirements of § 24.2-404.4 of the Code of Virginia, the**  
92 **Commissioner of Elections shall submit an application for the Commonwealth's membership in the**  
93 **Electronic Registration Information Center, Inc., (ERIC) to its executive director. Upon notification of**  
94 **acceptance of the Commonwealth's admission, the Commissioner of Elections shall promptly execute**  
95 **any membership agreement and pay any membership fees required to effect such admission into**  
96 **ERIC. The Commissioner of Elections shall thereafter take any steps necessary to preserve the**  
97 **Commonwealth's status as a member in good standing of ERIC.**