063235380

HOUSE BILL NO. 170

Offered January 11, 2006

Prefiled December 29, 2005

A BILL to amend and reenact § 24.2-427 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 4 of Title 24.2 a section numbered 24.2-410.1, relating to voter registration, information pertaining to non-citizens, and cancellations of registrations.

Patrons—Lingamfelter, Athey, Byron, Callahan, Cosgrove, Frederick, Gilbert, Jones, S.C., Landes, Morgan, Sherwood, Suit and Wright

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-427 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding in Article 2 of Chapter 4 of Title 24.2 a section numbered 24.2-410.1, as follows:

§ 24.2-410.1. Department of Motor Vehicles to furnish lists of non-citizens.

The Department of Motor Vehicles shall furnish monthly to the State Board a complete list of all persons who have indicated a non-citizen status to the Department in obtaining a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The Board shall transmit the information from the list to the appropriate general registrars.

§ 24.2-427. Cancellation of registration by voter or 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 twenty-nine 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 ten days of receipt of such authorization.

B. The general registrar shall cancel the registration of (i) all persons known by him to be deceased or disqualified to vote by reason of a felony conviction or adjudication of incapacity, ~~and~~ (ii) *all persons known by him to be non-citizens of the United States by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1; and (iii)* all persons for whom a notice has been received, signed by the voter or the registration official of another jurisdiction, that the voter has moved from the Commonwealth. The notice received in clause ~~(ii)~~ *(iii)* 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.

C. The general registrar may cancel the registration of any 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 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 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.