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## SENATE BILL NO. 1077

Offered January 9, 2013

Prefiled January 9, 2013

A *BILL to amend and reenact §§ 24.2-404 and 24.2-427 of the Code of Virginia, relating to registered voters; citizenship; SAVE Program.*

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Patron—Obenshain

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Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:****1. That §§ 24.2-404 and 24.2-427 of the Code of Virginia are amended and reenacted as follows:****§ 24.2-404. Duties of State Board.**

A. The State Board 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 Board shall:

1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.  
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 registration cards for newly registered voters 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 State Board 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 Board. The Board 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 State Board 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 State Board 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 State Board shall provide a regional or statewide list of registered voters to the general registrar of the locality. The State Board 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 Board.

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 State Board in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The State Board 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. 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 State Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.

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59 B. The State Board 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  
61 including, but not limited to, paper and electronic means.

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

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

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

75 **§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or**  
76 **disqualified to vote.**

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

84 B. The general registrar shall cancel the registration of (i) all persons known by him to be deceased  
85 or disqualified to vote by reason of a felony conviction or adjudication of incapacity; (ii) all persons  
86 known by him not to be United States citizens by reason of reports from the Department of Motor  
87 Vehicles pursuant to § 24.2-410.1 *or from the State Board based on information received from the*  
88 *Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of*  
89 *§ 24.2-404* and in accordance with the requirements of subsection B1; (iii) all persons for whom a notice  
90 has been received, signed by the voter, or from the registration official of another jurisdiction that the  
91 voter has moved from the Commonwealth; and (iv) all persons for whom a notice has been received,  
92 signed by the voter, or from the registration official of another jurisdiction that the voter has registered  
93 to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in  
94 clauses (iii) and (iv) shall be considered as a written request from the voter to have his registration  
95 cancelled. A voter's registration may be cancelled at any time during the year in which the general  
96 registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail  
97 notice of any cancellation to the person whose registration is cancelled.

98 B1. The general registrar shall mail notice promptly to all persons known by him not to be United  
99 States citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 *or*  
100 *from the State Board based on information received from the Systematic Alien Verification for*  
101 *Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404* prior to cancelling their  
102 registrations. The notice shall inform the person of the report from the Department of Motor Vehicles *or*  
103 *from the State Board* and allow the person to submit his sworn statement that he is a United States  
104 citizen within 14 days of the date that the notice was mailed. The general registrar shall cancel the  
105 registrations of such persons who do not respond within 14 days to the notice that they have been  
106 reported not to be United States citizens.

107 B2. The general registrar shall (i) process the State Board's most recent list of persons convicted of  
108 felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any  
109 registered voter shown to have been convicted of a felony who has not provided evidence that his right  
110 to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his  
111 registration. If it appears that any registered voter has made a false statement on his registration  
112 application with respect to his having been convicted of a felony, the general registrar shall report the  
113 fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made  
114 on his registration application.

115 C. The general registrar may cancel the registration of any person for whom a notice has been  
116 submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out  
117 in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that  
118 the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such  
119 cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and  
120 the address at which he had most recently been registered in Virginia. No general registrar may cancel

121 registrations under this authority while the registration records are closed pursuant to § 24.2-416. No  
122 registrar may cancel the registration under this authority of any person entitled to register under the  
123 provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified  
124 voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of  
125 cancellation.

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