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HOUSE BILL NO. 665

Offered January 8, 2014

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A BILL to amend and reenact §§ 24.2-404 and 24.2-427 of the Code of Virginia, relating to elections; voter registration lists; duties of the State Board of Elections and general registrars.

Patrons—Brink and Futrell

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. (Effective until July 1, 2014) 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.

3. (Effective July 1, 2014) 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 and voter registration cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § 24.2-643. The Board shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § 24.2-643 for the purpose of providing such voter a registration card containing the voter's photograph and signature. The Board shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Board. The Board may contract with an outside vendor for the production and distribution of voter registration cards containing the voter's photograph and signature.

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

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59 Board shall determine whether regional or statewide data is provided. Neither the pollbook nor the
60 regional or statewide list of registered voters shall include the day and month of birth of the voter, but
61 shall include the voter's year of birth.

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

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

68 10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history,
69 and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose
70 addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and
71 to determine eligibility of individuals to vote in Virginia. *The registration of active voters identified by
72 comparison of interstate cross-check lists who are believed to no longer reside in the jurisdiction shall
73 not be canceled unless corroborating evidence is found that they no longer reside in the Commonwealth.
74 Voters for whom there is corroborating evidence shall be processed in accordance with subsection B of
75 § 24.2-427. The processing shall be completed by the general registrar within 90 days following receipt
76 of the list by the general registrar from the State Board, but not counting the 60 days prior to a
77 primary or general election. No voter's registration shall be canceled within the 60 days prior to a
78 primary or general election.*

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

83 B. The State Board shall be authorized to provide for the production, distribution, and receipt of
84 information and lists through the Virginia Voter Registration System by any appropriate means
85 including, but not limited to, paper and electronic means.

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

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

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

99 **§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or**
100 **disqualified to vote.**

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

108 B. The general registrar shall cancel the registration of (i) all persons known by him to be deceased
109 or disqualified to vote by reason of a felony conviction or adjudication of incapacity; (ii) all persons
110 known by him not to be United States citizens by reason of reports from the Department of Motor
111 Vehicles pursuant to § 24.2-410.1 or from the State Board based on information received from the
112 Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of
113 § 24.2-404 and in accordance with the requirements of subsection B1; (iii) all persons for whom a notice
114 has been received, signed by the voter, or from the registration official of another jurisdiction that the
115 voter has moved from the Commonwealth; ~~and~~ (iv) all persons for whom a notice has been received,
116 signed by the voter, or from the registration official of another jurisdiction that the voter has registered
117 to vote outside the Commonwealth, subsequent to his registration in Virginia; *and (v) all persons who
118 have been identified as no longer residing in the Commonwealth pursuant to subdivision A 10 of §
119 24.2-404 and in accordance with the requirements of subsection B3.* The notice received in clauses (iii)
120 and (iv) 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 mail notice of any cancellation to the person whose registration is cancelled.

B1. The general registrar shall mail notice promptly to all persons known by him not to be United States citizens by reason of a report 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 of § 24.2-404 prior to cancelling their registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from the State Board 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.

B2. The general registrar shall (i) process the State Board'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.

B3. The general registrar shall mail notice promptly to all persons who appear to no longer reside in the Commonwealth pursuant to subdivision A 10 of § 24.2-404 prior to canceling their registrations. The notice shall be mailed to the registration address on record, shall inform the person of the report from the interstate cross-check lists, and shall allow the person to submit his sworn statement that he is domiciled in the Commonwealth 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 their names appear on the interstate cross-check list.

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.