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HOUSE BILL NO. 1315

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections
on February 6, 2015)

(Patron Prior to Substitute—Delegate Cole)

A BILL to amend and reenact §§ 8.01-345 and 24.2-427 of the Code of Virginia, relating to jury commissioners; list of unqualified persons transmitted to general registrars.

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-345 and 24.2-427 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-345. Lists of qualified persons to be prepared by jury commissioners; random selection process; transmission to general registrars.

The commissioners shall, not later than December 1 following their appointment, submit a list showing the names, addresses, freeholder status and, if available, the occupations of such of the inhabitants of their respective counties or cities as are well qualified under § 8.01-337 to serve as jurors and are not excluded or exempt by §§ 8.01-338 to 8.01-341 and 8.01-342. Such master jury list shall be used in selecting jurors for a twelve-month period beginning on the first day of the first term of court in the calendar year next succeeding December 1. The number of persons selected for each court shall be as specified in the order appointing the commissioners.

The jury commissioners shall utilize random selection techniques, either manual, mechanical or electronic, using a current voter registration list and, where feasible, a list of persons issued a driver's license as defined in § 46.2-100 from the Department of Motor Vehicles, city or county directories, telephone books, personal property tax rolls, and other such lists as may be designated and approved by the chief judge of the circuit, to select the jurors representative of the broad community interests, to be placed on the master jury list. The commissioners shall make reasonable effort to exclude the names of deceased persons and unqualified persons from the master jury list. After such random selection, the commissioners shall apply such statutory exceptions and exemptions as may be applicable to the names so selected. The chief judge shall promulgate such procedural rules as are necessary to ensure the integrity of the random selection process and to ensure compliance with other provisions of law with respect to jury selection and service.

Where a city and county adjoin, in whole or in part, the names of the inhabitants of a city shall not be placed upon the county list, nor those of a county upon the city list except in those cases in which the circuit court of the county and the circuit court of the city have concurrent jurisdiction of both civil and criminal cases arising within the territorial limits of such county or city. However, in the case of the City of Franklin and the County of Southampton, the number of jurors selected from Southampton County shall be proportionate to the number of jurors selected from the City of Franklin based upon the respective populations of the county and city.

The commissioner or other official responsible for maintaining such information shall transmit to the general registrar of that locality lists of those persons not qualified to serve as a result of (i) not being a citizen of the United States, (ii) no longer being a resident of the Commonwealth, (iii) being a resident of another county or city in the Commonwealth, (iv) having been convicted of a felony and having not provided evidence that their right to vote has been restored, or (v) having been adjudicated incapacitated. The list shall be in whatever format in which such information is being maintained.

§ 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 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 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; (ii) 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 State Board 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 B1; (iii) 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 (iv) all persons for whom a notice has been received,

60 signed by the voter, or from the registration official of another jurisdiction that the voter has registered
61 to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in
62 clauses (iii) and (iv) shall be considered as a written request from the voter to have his registration
63 cancelled. A voter's registration may be cancelled at any time during the year in which the general
64 registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail
65 notice of any cancellation to the person whose registration is cancelled.

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

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

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

94 D. *The general registrar shall utilize the information received pursuant to § 8.01-345 to identify*
95 *voters who are no longer qualified to vote and shall initiate list maintenance procedures pursuant to*
96 *this section or other applicable state or federal law.*

97 **2. That the provisions of this act shall become effective on July 1, 2016.**