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HOUSE BILL NO. 1496

Offered January 14, 2015

Prefiled January 5, 2015

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.

Patron—Sullivan

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 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 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.

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

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

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

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

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

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

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

95 F. The State Board shall report annually by August 1 for the preceding 12 months ending June 30 to
96 the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia
97 voter registration system and the results of those activities. The Board's report shall encompass activities
98 undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3,
99 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428.

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

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

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

121 and (iv) shall be considered as a written request from the voter to have his registration cancelled. A
122 voter's registration may be cancelled at any time during the year in which the general registrar discovers
123 that the person is no longer entitled to be registered. The general registrar shall mail notice of any
124 cancellation to the person whose registration is cancelled.

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

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

142 B3. *The general registrar shall mail notice promptly to all persons who appear to no longer reside*
143 *in the Commonwealth pursuant to subdivision A 10 of § 24.2-404 prior to canceling their registrations.*
144 *The notice shall be mailed to the registration address on record, shall inform the person of the report*
145 *from the interstate cross-check lists, and shall allow the person to submit a sworn statement that the*
146 *voter is domiciled in the Commonwealth within 14 days of the date that the notice was mailed. The*
147 *general registrar shall cancel the registration of any person who does not respond within 14 days.*

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