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SENATE BILL NO. 1337

Offered January 16, 2015

A *BILL to amend and reenact §§ 24.2-404 and 24.2-428 of the Code of Virginia, relating to voter registration; voter list maintenance.*

Patron—McEachin

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-404 and 24.2-428 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.

9. Use any source of information that may assist in carrying out the purposes of this section. All

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59 agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging
60 identification information for the purpose of maintaining the voter registration system. The State Board
61 may share any information that it receives from another agency of the Commonwealth with any Chief
62 Election Officer of another state for the maintenance of the voter registration system.

63 10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history,
64 and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose
65 addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and
66 to determine eligibility of individuals to vote in Virginia. *The processing of the lists of registered voters*
67 *developed through list comparisons with other states shall be completed in accordance with § 24.2-428.*

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

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

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

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

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

88 F. The State Board shall report annually by August 1 for the preceding 12 months ending June 30 to
89 the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia
90 voter registration system and the results of those activities. The Board's report shall encompass activities
91 undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3,
92 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.

93 **§ 24.2-428. Regular periodic review of registration records; notice to voters identified as having**
94 **moved; placement on inactive status for failure to respond to notice.**

95 A. The State Board shall establish a voter list maintenance program using the change of address
96 information supplied by the United States Postal Service through its licensees or by other reliable
97 sources to identify voters whose addresses may have changed. Any such program shall be regular and
98 periodic and shall be conducted at least annually. The program shall be completed not later than ~~ninety~~
99 90 days prior to the date of a federal primary or federal general election.

100 B. If it appears from information provided by the Postal Service or by other reliable sources that a
101 voter has moved to a different address in the same county or city in which the voter is currently
102 registered, the State Board of Elections shall provide to the general registrar the information necessary to
103 change the registration records to show the new address, and the State Board of Elections or the general
104 registrar shall send to the new address of the voter by forwardable mail, a notice of the change, along
105 with a postage prepaid, pre-addressed return card by which the voter may verify or correct the address
106 information.

107 C. If it appears from information provided by the Postal Service or by other reliable sources that a
108 voter has moved to a different address not in the same county or city, the State Board of Elections or
109 the general registrar shall send to the last known address of the voter by forwardable mail, a notice on a
110 form prescribed by the State Board, along with a postage prepaid and pre-addressed return card on
111 which the voter may state his current address.

112 D. The registered voter shall complete and sign the return card subject to felony penalties for making
113 false statements pursuant to § 24.2-1016.

114 E. The general registrar shall correct his registration records from the information obtained from the
115 return card. If the information indicates that the registered voter has moved to another general registrar's
116 jurisdiction within the Commonwealth, the general registrar shall transfer the registration record, along
117 with the return card, to the appropriate general registrar who shall treat the request for a change of
118 address as a request for transfer and shall send a voter registration card as confirmation of the transfer to
119 the voter pursuant to § 24.2-424. If the general registrar does not receive the return card provided for in
120 subsection C of this section within ~~thirty~~ 30 days after it is sent to the voter, the registered voter's name

121 shall be placed on inactive status. A registered voter's failure to receive the notice shall not affect the
122 validity of the inactivation.

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