

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 24.2-427 and 24.2-428 of the Code of Virginia, relating to cancellation of voter registration.

[S 1350]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-427 and 24.2-428 of the Code of Virginia are amended and reenacted as follows:

§ 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 (i) signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar or (ii) notifying the Department of Elections of his request to have his name removed from the central registration records by electronic means as approved by the State Board. 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, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses (iii) 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.

C. The general registrar ~~may~~ shall 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~~ 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

ENROLLED

SB1350ER

57 provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified
58 voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of
59 cancellation.

60 **§ 24.2-428. Regular periodic review of registration records; notice to voters identified as having**
61 **moved; placement on inactive status for failure to respond to notice.**

62 A. The State Board shall establish a voter list maintenance program using the change of address
63 information supplied by the United States Postal Service through its licensees or by other reliable
64 sources, *including commercially available sources*, to identify voters whose addresses may have
65 changed. Any such program shall be regular and periodic and shall be conducted at least annually. The
66 program shall be completed not later than ninety days prior to the date of a federal primary or federal
67 general election.

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

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

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

82 E. The general registrar shall correct his registration records from the information obtained from the
83 return card. If the information indicates that the registered voter has moved to another general registrar's
84 jurisdiction within the Commonwealth, the general registrar shall transfer the registration record, along
85 with the return card, to the appropriate general registrar who shall treat the request for a change of
86 address as a request for transfer and shall send a voter registration card as confirmation of the transfer to
87 the voter pursuant to § 24.2-424. If the general registrar does not receive the return card provided for in
88 subsection C of this section within ~~thirty~~ 30 days after it is sent to the voter, the registered voter's name
89 shall be placed on inactive status. A registered voter's failure to receive the notice shall not affect the
90 validity of the inactivation.