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SENATE BILL NO. 191

Offered January 8, 2014

Prefiled January 2, 2014

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

Patrons—Edwards, McEachin, Ebbin and Wexton

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-404 of the Code of Virginia is 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 *active* voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters
70 whose addresses have changed, to prevent duplication of registration in more than one state or
71 jurisdiction, and to determine eligibility of individuals to vote in Virginia. *The State Board shall*
72 *circulate to the general registrars between January 1 and before March 1 in any year lists of voters*
73 *whose addresses may have changed based on comparisons with other states. The processing of the list*
74 *by the general registrar shall be completed within 90 days following receipt of the list. The registration*
75 *of active voters identified by comparison of the interstate lists of voters who may no longer reside in the*
76 *jurisdiction shall not be canceled unless corroborating evidence is found that they no longer reside in*
77 *the jurisdiction. The registrations of voters for whom there is corroborating evidence that they no longer*
78 *reside in the jurisdiction shall be processed in accordance with subsection C of § 24.2-428. The State*
79 *Board shall provide guidance on what constitutes corroborating evidence including without limitation*
80 *real estate and tax records.*

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

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

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

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

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