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SENATE BILL NO. 711

Offered January 14, 2015

Prefiled December 2, 2014

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

Patron—Edwards

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. 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. *Within 30 days of receipt of the precinct lists*
68 *from the State Board, the general registrars shall conduct and complete a cross-check of listed*
69 *registered voters through the use of such interstate cross-check systems. However, within 48 hours of*
70 *receipt of a precinct list from the State Board, any general registrar may request, and the State Board*
71 *shall grant, an extension of up to 30 days to conduct and complete the interstate cross-check. The*
72 *general registrars shall, at a minimum, compare the Virginia Voter Registration System registration*
73 *history and Virginia voting history of voters on the precinct lists with the out-of-state registration data*
74 *provided by other states in the interstate cross-check system. If the facts show a voter has moved out of*
75 *the Commonwealth, the voter's Virginia registration record shall be processed in accordance with*
76 *subsections C, D, and E of § 24.2-428. However, no voter's registration shall be canceled within 90*
77 *days prior to any primary or general election solely on the basis of such interstate cross-check.*

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

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

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

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

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

98 F. The State Board shall report annually by August 1 for the preceding 12 months ending June 30 to
99 the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia
100 voter registration system and the results of those activities. The Board's report shall encompass activities
101 undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3,
102 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.

103 **2. That the provisions of this act shall not become effective unless an appropriation effectuating**
104 **the purposes of this act is included in a general appropriation act passed in 2015 by the General**
105 **Assembly that becomes law.**