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HOUSE BILL NO. 292

Offered January 13, 2016

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A *BILL to amend and reenact §§ 24.2-403 and 24.2-404 of the Code of Virginia, relating to voter registration; preregistration for persons age 16 or older.*

Patron—Herring

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That §§ 24.2-403 and 24.2-404 of the Code of Virginia are amended and reenacted as follows:****§ 24.2-403. Persons under 18 years of age.**

A. Any person who is otherwise qualified and will be 18 years of age on or before the day of the next general election shall be permitted to register in advance and also vote in any intervening primary or special election. Notwithstanding any other provision of law to the contrary, any person who is otherwise qualified and will be 18 years of age on or before the day of the next November general presidential election shall be permitted to register in advance of and also vote in any intervening presidential primary and any other primary held on the same day as the presidential primary.

B. Any person who is otherwise qualified and is 16 years of age or older, but will not be 18 years of age on or before the day of the next general election, may preregister to vote. This preregistration shall not entitle a person age 16 or older to vote in any election except as provided in subsection A.

§ 24.2-404. Duties of Department of Elections.

A. The Department of Elections 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 Department shall:

1. Maintain a complete, separate, and accurate record of all registered and preregistered voters in the Commonwealth. Such system shall automatically register a person who has preregistered pursuant to subsection B of § 24.2-403 upon that person's reaching 18 years of age.

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 confirmation documents 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 photo identification 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 Department 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 voter photo identification card containing the voter's photograph and signature. The Department 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 Department. The Department may contract with an outside vendor for the production and distribution of voter photo identification cards.

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 Department of Elections 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 Department. The Department 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

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59 a precinct in which the election is being held in the county, city, or town. These precinct lists shall be
60 used as the official lists of qualified voters and shall constitute the pollbooks. The Department shall
61 provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the
62 efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the
63 Department shall provide any general registrar, upon his request, with a separate electronic list of all
64 registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or
65 electronic voter registration inquiry devices are used in precincts in the locality, the Department shall
66 provide a regional or statewide list of registered voters to the general registrar of the locality. The
67 Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the
68 regional or statewide list of registered voters shall include the day and month of birth of the voter, but
69 shall include the voter's year of birth.

70 8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the
71 Department.

72 9. Use any source of information that may assist in carrying out the purposes of this section. All
73 agencies of the Commonwealth shall cooperate with the Department in procuring and exchanging
74 identification information for the purpose of maintaining the voter registration system. The Department
75 may share any information that it receives from another agency of the Commonwealth with any Chief
76 Election Officer of another state for the maintenance of the voter registration system.

77 10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history,
78 and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose
79 addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and
80 to determine eligibility of individuals to vote in Virginia.

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
83 Department by law. Receipts from such sales shall be credited to the Board for reimbursement of
84 printing expenses.

85 B. The Department 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 including,
87 but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et
88 seq.) shall not apply to records about individuals maintained in this system.

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

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

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

102 F. The Department shall report annually by August 1 for the preceding 12 months ending June 30 to
103 the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia
104 voter registration system and the results of those activities. The Department's report shall encompass
105 activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to
106 §§ 24.2-404.3, 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.