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HOUSE BILL NO. 1379

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on February 12, 2016)

(Patron Prior to Substitute—Delegate LeMunyon)

A BILL to amend and reenact §§ 24.2-404.4 and 24.2-428 of the Code of Virginia, relating to voter list maintenance; use of ERIC and the Interstate Voter Registration Crosscheck Program.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404.4 and 24.2-428 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-404.4. Exchange of registered voter lists with other states.

A. Pursuant to its authority under subsection A of § 24.2-405 and subsections B and C of § 24.2-406, the Department of Elections shall request voter registration information and lists of persons voting at primaries and elections, if available, from the states bordering the Commonwealth to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system.

B. Pursuant to its authority under subdivision 10 of § 24.2-404, the Department of Elections shall utilize data regarding voter registration and lists of persons voting at primaries and elections received through list comparisons and data matching exchanges with other states to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system. Virginia, through the Department of Elections, shall have active and continuous participation in the Electronic Registration Information Center (ERIC) and the Interstate Voter Registration Crosscheck Program.

C. The Department shall compare the data received pursuant to subsections A and B with the state voter registration list and initiate list maintenance procedures under applicable state and federal law. The Department shall report to the House and Senate Committees on Privileges and Elections annually on the progress of activities conducted under this section, including the number of duplicate registrations found to exist and the procedures that the Department and general registrars are following to eliminate duplicate registrations from the Virginia registered voter lists. All annual reports required to be filed by the Department shall be governed by the provisions of § 2.2-608.

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

A. The Department of Elections shall establish a voter list maintenance program using the change of address information supplied by the United States Postal Service through its licensees, the Electronic Registration Information Center (ERIC), the Interstate Voter Registration Crosscheck Program, or by other reliable sources to identify voters whose addresses may have changed. Any such program shall be regular and periodic and shall be conducted at least annually. The program shall be completed not later than ninety 90 days prior to the date of a federal primary or federal general election.

B. If it appears from information provided by the Postal Service, the Electronic Registration Information Center (ERIC), the Interstate Voter Registration Crosscheck Program, or by other reliable sources that a voter has moved to a different address in the same county or city in which the voter is currently registered, the Department shall, not later than seven days after receiving that information, provide to the general registrar the information necessary to change the registration records to show the new address, and the Department or. Within 21 days of receipt of such information from the Department, the general registrar shall send to the new address of the voter by forwardable mail, a notice of the change, along with a postage prepaid, pre-addressed return card by which the voter may verify or correct the address information.

C. If it appears from information provided by the Postal Service, the Electronic Registration Information Center (ERIC), the Interstate Voter Registration Crosscheck Program, or by other reliable sources that a voter has moved to a different address not in the same county or city, the Department shall, not later than seven days after receiving that information, provide to the general registrar a list of those voters identified as having moved to a different address not in the general registrar's jurisdiction. or Within 21 days of receipt of such information from the Department, the general registrar shall send to the last known address of the voter by forwardable mail, a notice on a form prescribed by the Department, along with a postage prepaid and pre-addressed return card on which the voter may state his current address.

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

E. The general registrar shall correct his registration records from the information obtained from the

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60 return card. If the information indicates that the registered voter has moved to another general registrar's
61 jurisdiction within the Commonwealth, the general registrar shall transfer the registration record, along
62 with the return card, to the appropriate general registrar who shall treat the request for a change of
63 address as a request for transfer and shall send a voter registration card as confirmation of the transfer to
64 the voter pursuant to § 24.2-424. If the general registrar does not receive the return card provided for in
65 subsection C of this section within ~~thirty~~ 30 days after it is sent to the voter, the registered voter's name
66 shall be placed on inactive status. A registered voter's failure to receive the notice shall not affect the
67 validity of the inactivation.