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HOUSE BILL NO. 2343

Offered January 13, 2017

A *BILL to amend and reenact §§ 24.2-114 and 24.2-404.4 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-427.1, relating to voter registration list maintenance; voters identified as having duplicate registrations.*

Patrons—Bell, Robert B. and LeMunyon; Senator: Peake

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-114 and 24.2-404.4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-427.1 as follows:

§ 24.2-114. Duties and powers of general registrar.

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.

6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.

7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

8. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.

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59 9. If a person is denied registration, promptly notify such person in writing of the denial and the
60 reason for denial in accordance with § 24.2-422.

61 10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the
62 pollbooks available to the precincts, and according to the instructions of the State Board provide a copy
63 of the data from the pollbooks to the State Board after each election for voting credit purposes.

64 11. Retain the pollbooks in his principal office for two years from the date of the election.

65 12. Maintain accurate and current registration records and comply with the requirements of this title
66 for the transfer, inactivation, and cancellation of voter registrations.

67 13. Whenever election districts, precincts, or polling places are altered, provide for entry into the
68 voter registration system of the proper district and precinct designations for each registered voter whose
69 districts or precinct have changed and notify each affected voter of changes affecting his districts or
70 polling place by mail.

71 14. Whenever any part of his county or city becomes part of another jurisdiction by annexation,
72 merger, or other means, transfer to the appropriate general registrar the registration records of the
73 affected registered voters. The general registrar for their new county or city shall notify them by mail of
74 the transfer and their new election districts and polling places.

75 15. When he registers any person who was previously registered in another state, notify the
76 appropriate authority in that state of the person's registration in Virginia by providing electronically,
77 through the Department of Elections, the information contained in that person's registration application.

78 16. Whenever any person is believed to be registered or voting in more than one state or territory of
79 the United States at the same time, inquire about, or provide information from the voter's registration
80 and voting records to any appropriate voter registration or other authority of another state or territory
81 who inquires about, that person's registration and voting history. *Any inquiry pursuant to this subdivision*
82 *shall include a request for a copy of the voter's registration record in that state or territory.*

83 17. At the request of the county or city chairman of any political party nominating a candidate for
84 the General Assembly, constitutional office, or local office by a method other than a primary, review
85 any petition required by the party in its nomination process to determine whether those signing the
86 petition are registered voters with active status.

87 18. Carry out such other duties as prescribed by the electoral board in his capacity as the director of
88 elections for the locality in which he serves.

89 19. Attend an annual training program provided by the State Board. A general registrar may
90 designate one member of his staff to attend such training program if he is unable to attend because of a
91 personal or family emergency.

92 **§ 24.2-404.4. Exchange of registered voter lists with other states.**

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

98 B. Pursuant to its authority under subdivision A 10 of § 24.2-404, the Department of Elections shall
99 utilize data regarding voter registration and lists of persons voting at primaries and elections received
100 through list comparisons *and data-matching exchanges* with other states to identify duplicate
101 registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer
102 entitled to be registered in order to maintain the overall accuracy of the voter registration system.

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

110 **§ 24.2-427.1. Voters identified as having duplicate registrations.**

111 A. *The Department of Elections shall compare the data received pursuant to § 24.2-404.4 with the*
112 *state voter registration list to identify voters who are found to be registered to vote in another state and*
113 *shall provide to the general registrars a list of those voters registered in that registrar's locality who*
114 *are identified as having a registration record in another state. Upon receipt of such list, the general*
115 *registrars shall:*

116 1. *Send to the last known address of the voter, by forwardable mail, a notice on a form prescribed*
117 *by the Department, along with a postage-prepaid and pre-addressed return card on which the voter may*
118 *state his current address and verify or dispute the out-of-state registration record; and*

119 2. *Pursuant to their authority under subdivision 16 of § 24.2-114, contact the registration official of*
120 *the state of the voter's out-of-state registration record to request a copy of the voter's registration record*

121 in that state.

122 B. If a voter returns the return card and his return card confirms his move from the Commonwealth
123 or verifies his out-of-state registration record, the general registrar shall cancel the voter's registration
124 record in accordance with the provisions of subsection B of § 24.2-427. If the out-of-state registration
125 official provides a copy of the voter's registration record in that state and such record is dated
126 subsequent to the voter's registration record in the Commonwealth, the general registrar shall cancel the
127 voter's registration record in accordance with the provisions of subsection B of § 24.2-427.

128 C. If a voter returns the return card and his return card confirms his address within the city or
129 county of his registration or disputes the out-of-state registration record, the general registrar shall
130 notify the out-of-state registration official of the voter's out-of-state registration record.

131 D. If no return card is received within 30 days after notice is sent to the voter, the general registrar
132 shall place the registered voter's name on inactive status. A registered voter's failure to receive the
133 notice shall not affect the validity of the inactivation.