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**HOUSE BILL NO. 28**

Offered January 10, 2018

Prefiled November 28, 2017

*A BILL to amend and reenact §§ 24.2-404 and 24.2-404.4 of the Code of Virginia, relating to voter registration list maintenance; due date of annual report.*

Patrons—Cole, Helsel and Ransone

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-404 and 24.2-404.4 of the Code of Virginia are amended and reenacted as follows:**

**§ 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 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 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 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 Department 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 Department 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 Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department 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

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59 Department.

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

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

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

73 B. The Department shall be authorized to provide for the production, distribution, and receipt of  
74 information and lists through the Virginia voter registration system by any appropriate means including,  
75 but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et  
76 seq.) shall not apply to records about individuals maintained in this system.

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

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

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

90 F. The Department shall report annually by ~~August~~ *October* 1 for the preceding 12 months ending  
91 ~~June 30~~ *August 31* to the Committees on Privileges and Elections on each of its activities undertaken to  
92 maintain the Virginia voter registration system and the results of those activities. The Department's  
93 report shall *be governed by the provisions of § 2.2-608 and shall encompass activities undertaken*  
94 *pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4,*  
95 *24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428.*

96 **§ 24.2-404.4. Exchange of registered voter lists with other states.**

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

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

107 C. The Department shall compare the data received pursuant to subsections A and B with the state  
108 voter registration list and initiate list maintenance procedures under applicable state and federal law. The  
109 Department shall *include in its* report to the House and Senate Committees on Privileges and Elections  
110 ~~annually or, required by subsection F of § 24.2-404,~~ the progress of activities conducted under this  
111 section, including the number of duplicate registrations found to exist and the procedures that the  
112 Department and general registrars are following to eliminate duplicate registrations from the Virginia  
113 registered voter lists. ~~All annual reports required to be filed by the Department shall be governed by the~~  
114 ~~provisions of § 2.2-608.~~