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HOUSE BILL NO. 215

Offered January 8, 2020

Prefiled December 27, 2019

A BILL to amend and reenact § 24.2-404 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 4 of Title 24.2 a section numbered 24.2-403.1, relating to voter registration; preregistration of persons age 16 or older.

Patron—Lopez

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 and that the Code of Virginia is amended by adding in Article 1 of Chapter 4 of Title 24.2 a section numbered 24.2-403.1 as follows:

§ 24.2-403.1. Preregistration of persons age 16 or older.

Any person who is otherwise qualified and is 16 years of age or older, but who 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 16 years of age or older to vote in any election except as provided in § 24.2-403.

§ 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. Such system shall automatically register a person who has preregistered pursuant to § 24.2-403.1 upon that person becoming eligible for registration under § 24.2-403 or reaching 18 years of age, whichever comes first.

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, including voters who were automatically registered pursuant to subdivision 1, and for notice to registered voters on the system of changes and corrections in their registration records and polling places and. The Department shall also provide to each general registrar 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

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

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

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

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

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

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

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

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

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

103 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31  
104 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the  
105 Virginia voter registration system and the results of those activities. The Department's report shall be  
106 governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to  
107 subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408,  
108 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the  
109 methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that  
110 the data included in the report is accurate and reliable.