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HOUSE BILL NO. 26

Offered January 8, 2020

Prefiled November 19, 2019

A BILL to amend and reenact §§ 24.2-404, 24.2-416, and 24.2-420.1 of the Code of Virginia, relating to voter registration; close of registration records.

Patron—Lindsey

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-416, and 24.2-420.1 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 11 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.

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

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

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

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

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

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

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

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

91 F. The Department shall report annually by October 1 for the preceding 12 months ending August 31
92 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the
93 Virginia voter registration system and the results of those activities. The Department's report shall be
94 governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to
95 subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408,
96 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
97 methodology used in gathering and analyzing the data. The Commissioner of Elections shall certify that
98 the data included in the report is accurate and reliable.

99 **§ 24.2-416. Closing registration records before elections.**

100 In any county, city, or town in which an election is being held, the registration records shall be
101 closed for the purpose of registering voters on the election day and during the period in advance of the
102 election as provided in this section. ~~The registration records shall be closed during the twenty-eight days~~
103 ~~before a primary or general election. Beginning January 1, 2010, the registration records shall be closed~~
104 ~~during the 24 13 days before a primary or general election.~~ If the registration records have not been
105 closed previously for a primary or general election, they shall be closed during the six days before a
106 special election called by the Governor, Speaker of the House of Delegates, or President pro tempore of
107 the Senate, or pursuant to rule or resolution of either house of the General Assembly, and during the
108 ~~thirteen~~ 13 days before any other special election.

109 **§ 24.2-420.1. Extended time for certain persons to register in person.**

110 A. Notwithstanding the provisions of § 24.2-416, the following persons shall be entitled to register in
111 person up to and including the day of the election:

112 1. Any member of a uniformed service of the United States, as defined in § 24.2-452, who is on
113 active duty;

114 2. Any person who resides temporarily outside of the United States; and

115 3. Any spouse or dependent residing with a person listed in subdivision 1 or 2 of this subsection.

116 The provisions of this subsection shall apply only to those persons who are otherwise qualified to
117 register and who, by reason of such active duty or temporary overseas residency, either (i) are normally
118 absent from the city or county in which they reside or (ii) have been absent from such city or county
119 and returned to reside there during the ~~twenty-eight~~ 13 days immediately preceding the election.

120 B. Notwithstanding the provisions of § 24.2-416, any person who was on active duty as a member of

121 a uniformed service as defined in § 24.2-452 and discharged from the uniformed service during the
122 sixty days immediately preceding the election, and his spouse or dependent, shall be entitled to register,
123 if otherwise qualified, in person up to and including the day of the election.
124 C. The Department shall prescribe procedures for the addition of persons registered under this section
125 to the lists of registered voters.

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