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HOUSE BILL NO. 1758

Offered January 13, 2021

Prefiled December 17, 2020

A BILL to amend and reenact §§ 24.2-408 and 24.2-427 of the Code of Virginia, relating to voter registration; list maintenance; lists of decedents transmitted by State Registrar of Vital Records.

Patrons—Campbell, R.R. (By Request) and Cole, M.L.; Senator: Kiggins

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-408 and 24.2-427 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-408. State Registrar of Vital Records to transmit weekly lists of decedents to Department of Elections.

The State Registrar of Vital Records shall transmit to the Department of Elections by electronic means a ~~monthly~~ weekly list of all persons of the age of ~~seventeen~~ 17 years or more who shall have died in the Commonwealth subsequent to its previous ~~monthly~~ weekly list. The lists shall be in a format specified by the Department and shall contain the deceased's name; address; county, city, or town of residence; social security number, if any; and date and place of his birth and of his death. The Department shall maintain a permanent record of the information in the lists as part of the voter registration system. ~~The, and the~~ general registrars shall ~~have access to use~~ the information in the lists to carry out their duties pursuant to § 24.2-427. Information in the lists shall be confidential and consistent with the requirements of § 32.1-271.

§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or disqualified to vote.

A. Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar. When submitted by any means other than when notarized or in person, such cancellation must be made at least 22 days prior to an election in order to be valid in that election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person or by first-class mail that his registration has been canceled within 10 days of receipt of such authorization.

B. The general registrar shall cancel *promptly* the registration of (i) all persons known by him *based on the information provided by the State Registrar of Vital Records pursuant to § 24.2-408* to be deceased ~~or~~; (ii) *all persons known by him to be* disqualified to vote by reason of a felony conviction or adjudication of incapacity; ~~(iii)~~ (iii) all persons known by him not to be United States citizens 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 of § 24.2-404 and in accordance with the requirements of subsection B1; ~~(iii)~~ (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and ~~(iv)~~ (v) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses ~~(iii)~~ (iv) and ~~(iv)~~ (v) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail notice of any cancellation to the person whose registration is cancelled.

B1. The general registrar shall mail notice promptly to all persons known by him not to be United States citizens by reason of a report 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 of § 24.2-404 prior to cancelling their registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or from the Department of Elections and allow the person to submit his sworn statement that he is a United States citizen within 14 days of the date that the notice was mailed. The general registrar shall cancel the registrations of such persons who do not respond within 14 days to the notice that they have been reported not to be United States citizens.

B2. The general registrar shall (i) process the Department's most recent list of persons convicted of felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any

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59 registered voter shown to have been convicted of a felony who has not provided evidence that his right
60 to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his
61 registration. If it appears that any registered voter has made a false statement on his registration
62 application with respect to his having been convicted of a felony, the general registrar shall report the
63 fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made
64 on his registration application.

65 C. The general registrar may cancel the registration of any person for whom a notice has been
66 submitted to the Department of Motor Vehicles in accordance with the Driver License Compact set out
67 in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 and forwarded to the general registrar, that
68 the voter has moved from the Commonwealth; provided that the registrar shall mail notice of such
69 cancellation to the person at both his new address, as reported to the Department of Motor Vehicles, and
70 the address at which he had most recently been registered in Virginia. No general registrar may cancel
71 registrations under this authority while the registration records are closed pursuant to § 24.2-416. No
72 registrar may cancel the registration under this authority of any person entitled to register under the
73 provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any otherwise qualified
74 voter covered by subsection A of § 24.2-420.1 who applies to vote within four years of the date of
75 cancellation.