

15100786D

**HOUSE BILL NO. 1315**

Offered January 14, 2015

Prefiled November 16, 2014

*A BILL to amend and reenact §§ 8.01-345, 24.2-404, and 24.2-427 of the Code of Virginia, relating to jury commissioners; list of unqualified persons transmitted to State Board of Elections.*

Patrons—Cole, Bell, Robert B., Cline and LaRock; Senator: Black

Referred to Committee on Privileges and Elections

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

**1. That §§ 8.01-345, 24.2-404, and 24.2-427 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-345. Lists of qualified persons to be prepared by jury commissioners; random selection process; transmission to State Board of Elections.**

The commissioners shall, not later than December 1 following their appointment, submit a list showing the names, addresses, freeholder status and, if available, the occupations of such of the inhabitants of their respective counties or cities as are well qualified under § 8.01-337 to serve as jurors and are not excluded or exempt by §§ 8.01-338 to 8.01-341 and 8.01-342. Such master jury list shall be used in selecting jurors for a twelve-month period beginning on the first day of the first term of court in the calendar year next succeeding December 1. The number of persons selected for each court shall be as specified in the order appointing the commissioners.

The jury commissioners shall utilize random selection techniques, either manual, mechanical or electronic, using a current voter registration list and, where feasible, a list of persons issued a driver's license as defined in § 46.2-100 from the Department of Motor Vehicles, city or county directories, telephone books, personal property tax rolls, and other such lists as may be designated and approved by the chief judge of the circuit, to select the jurors representative of the broad community interests, to be placed on the master jury list. The commissioners shall make reasonable effort to exclude the names of deceased persons and unqualified persons from the master jury list. After such random selection, the commissioners shall apply such statutory exceptions and exemptions as may be applicable to the names so selected. The chief judge shall promulgate such procedural rules as are necessary to ensure the integrity of the random selection process and to ensure compliance with other provisions of law with respect to jury selection and service.

Where a city and county adjoin, in whole or in part, the names of the inhabitants of a city shall not be placed upon the county list, nor those of a county upon the city list except in those cases in which the circuit court of the county and the circuit court of the city have concurrent jurisdiction of both civil and criminal cases arising within the territorial limits of such county or city. However, in the case of the City of Franklin and the County of Southampton, the number of jurors selected from Southampton County shall be proportionate to the number of jurors selected from the City of Franklin based upon the respective populations of the county and city.

*The commissioners shall transmit to the State Board of Elections lists of those persons not qualified to serve as a result of (i) not being a citizen of the United States, (ii) no longer being a resident of the Commonwealth, (iii) being a resident of another county or city in the Commonwealth, (iv) having been convicted of a felony and who has not provided evidence that his right to vote has been restored, or (v) having been adjudicated incapacitated.*

**§ 24.2-404. Duties of State Board.**

A. The State Board 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 Board 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 registration cards 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 registration 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 Board 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

INTRODUCED

HB1315

59 of § 24.2-643 for the purpose of providing such voter a registration card containing the voter's  
60 photograph and signature. The Board shall provide each general registrar with the equipment necessary  
61 to obtain a voter's signature and photograph and no general registrar shall be required to purchase such  
62 equipment at his own expense. Photographs and signatures obtained by a general registrar shall be  
63 submitted to the Board. The Board may contract with an outside vendor for the production and  
64 distribution of voter registration cards containing the voter's photograph and signature.

65 4. Require the general registrars to delete from the record of registered voters the name of any voter  
66 who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to  
67 removal of his residence, (iii) has been convicted of a felony *and who has not provided evidence that*  
68 *his right to vote has been restored*, (iv) has been adjudicated incapacitated, (v) is known not to be a  
69 United States citizen by reason of reports from the Department of Motor Vehicles pursuant to  
70 § 24.2-410.1 or from the State Board based on information received from the Systematic Alien  
71 Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no  
72 longer qualified to vote as may be provided by law. ~~Such action shall be taken~~ *The Board shall provide*  
73 *to the general registrars lists prepared by jury commissioners pursuant to § 8.01-345 of those persons*  
74 *who have been determined to be not qualified to serve as a juror as a result of clause (ii), (iii), (iv), or*  
75 *(v). The general registrars shall make such deletions* no later than 30 days after notification from the  
76 Board. *However, the general registrars shall not, within 60 days prior to any election, cancel the*  
77 *registration of any voter solely because his name appears on a list provided by jury commissioners.* The  
78 Board shall promptly provide the information referred to in this subdivision, upon receiving it, to  
79 general registrars.

80 5. Retain on the system for four years a separate record for registered voters whose names have been  
81 deleted, with the reason for deletion.

82 6. Retain on the system permanently a separate record for information received regarding deaths,  
83 felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.

84 7. Provide to each general registrar, at least 16 days prior to a general or primary election and three  
85 days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of  
86 a precinct in which the election is being held in the county, city, or town. These precinct lists shall be  
87 used as the official lists of qualified voters and shall constitute the pollbooks. The State Board shall  
88 provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the  
89 efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the  
90 State Board shall provide any general registrar, upon his request, with a separate electronic list of all  
91 registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or  
92 electronic voter registration inquiry devices are used in precincts in the locality, the State Board shall  
93 provide a regional or statewide list of registered voters to the general registrar of the locality. The State  
94 Board shall determine whether regional or statewide data is provided. Neither the pollbook nor the  
95 regional or statewide list of registered voters shall include the day and month of birth of the voter, but  
96 shall include the voter's year of birth.

97 8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.

98 9. Use any source of information that may assist in carrying out the purposes of this section. All  
99 agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging  
100 identification information for the purpose of maintaining the voter registration system. The State Board  
101 may share any information that it receives from another agency of the Commonwealth with any Chief  
102 Election Officer of another state for the maintenance of the voter registration system.

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

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

111 B. The State Board shall be authorized to provide for the production, distribution, and receipt of  
112 information and lists through the Virginia Voter Registration System by any appropriate means  
113 including, but not limited to, paper and electronic means.

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

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

120 E. The State Board shall apply to participate in the Systematic Alien Verification for Entitlements

Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the State Board shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

F. The State Board shall report annually by August 1 for the preceding 12 months ending June 30 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The Board's report shall encompass activities undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3, 24.2-404.4, 24.2-408, 24.2-409, 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428.

**§ 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 the registration of (i) all persons known by him to be deceased or disqualified to vote by reason of a felony conviction or adjudication of incapacity; (ii) 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 State Board 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) 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) 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) and (iv) 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 State Board 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 State Board 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 State Board'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 registered voter shown to have been convicted of a felony who has not provided evidence that his right to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his registration. If it appears that any registered voter has made a false statement on his registration application with respect to his having been convicted of a felony, the general registrar shall report the fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made on his registration application.

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

182 cancellation.

183 *D. The general registrar shall cancel the registration of any person whose name appears on a list*  
184 *compiled by jury commissioners provided pursuant to § 8.01-345. The general registrar shall mail notice*  
185 *of any cancellation to the person whose registration is cancelled. No person shall have his registration*  
186 *cancelled within 60 days prior to any election solely because his name appears on a list provided by*  
187 *jury commissioners.*