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SENATE BILL NO. 1350

Offered January 19, 2015

A BILL to amend and reenact §§ 24.2-404, 24.2-427, and 24.2-428 of the Code of Virginia, relating to cancellation of voter registration.

Patron—Vogel

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-427, and 24.2-428 of the Code of Virginia are amended and reenacted as follows:

§ 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 of § 24.2-643 for the purpose of providing such voter a registration card containing the voter's photograph and signature. The Board 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 Board. The Board may contract with an outside vendor for the production and distribution of voter registration cards containing the voter's photograph and signature.

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 State Board based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E; (vi) is identified as registered in another state by an interstate matching program, notification by another state, or comparison by another agency of the list of another state, including a match of name, date of birth, and social security number; or (vii) 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 Board. The Board 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 State Board 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 State Board 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 State Board shall provide a regional or statewide list of registered voters to the general registrar of the locality. The State Board shall determine whether regional or statewide data is provided. Neither the pollbook nor the

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SB1350

59 regional or statewide list of registered voters shall include the day and month of birth of the voter, but
60 shall include the voter's year of birth.

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

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

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

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

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

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 State Board 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 State Board 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 State Board shall report annually by August 1 for the preceding 12 months ending June 30 to
92 the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia
93 voter registration system and the results of those activities. The Board's report shall encompass activities
94 undertaken pursuant to subdivisions A 9 and 10 and subsection E and pursuant to §§ 24.2-404.3,
95 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.

96 **§ 24.2-427. Cancellation of registration by voter or for persons known to be deceased or**
97 **disqualified to vote.**

98 A. Any registered voter may cancel his registration and have his name removed from the central
99 registration records by (i) signing an authorization for cancellation and mailing or otherwise submitting
100 the signed authorization to the general registrar or (ii) *notifying the Department of Elections by*
101 *electronic means of his request to have his name removed from the central registration records.* When
102 submitted by any means other than when notarized or in person, such cancellation must be made at least
103 22 days prior to an election in order to be valid in that election. The general registrar shall acknowledge
104 receipt of the authorization and advise the voter in person or by first-class mail that his registration has
105 been canceled within 10 days of receipt of such authorization.

106 B. The general registrar shall cancel the registration of (i) all persons known by him to be deceased
107 or disqualified to vote by reason of a felony conviction or adjudication of incapacity; (ii) all persons
108 known by him not to be United States citizens by reason of reports from the Department of Motor
109 Vehicles pursuant to § 24.2-410.1 or from the State Board based on information received from the
110 Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E of
111 § 24.2-404 and in accordance with the requirements of subsection B1; (iii) all persons for whom a notice
112 has been received, signed by the voter, or from the registration official of another jurisdiction that the
113 voter has moved from the Commonwealth; and (iv) all persons for whom a notice has been received,
114 signed by the voter, or from the registration official of another jurisdiction that the voter has registered
115 to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in
116 clauses (iii) and (iv) shall be considered as a written request from the voter to have his registration
117 cancelled. A voter's registration may be cancelled at any time during the year in which the general
118 registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail
119 notice of any cancellation to the person whose registration is cancelled.

120 B1. The general registrar shall mail notice promptly to all persons known by him not to be United

121 States citizens by reason of a report from the Department of Motor Vehicles pursuant to § 24.2-410.1 or
 122 from the State Board based on information received from the Systematic Alien Verification for
 123 Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404 prior to cancelling their
 124 registrations. The notice shall inform the person of the report from the Department of Motor Vehicles or
 125 from the State Board and allow the person to submit his sworn statement that he is a United States
 126 citizen within 14 days of the date that the notice was mailed. The general registrar shall cancel the
 127 registrations of such persons who do not respond within 14 days to the notice that they have been
 128 reported not to be United States citizens.

129 B2. The general registrar shall (i) process the State Board's most recent list of persons convicted of
 130 felonies within 21 to 14 days before any primary or general election, (ii) cancel the registration of any
 131 registered voter shown to have been convicted of a felony who has not provided evidence that his right
 132 to vote has been restored, and (iii) send prompt notice to the person of the cancellation of his
 133 registration. If it appears that any registered voter has made a false statement on his registration
 134 application with respect to his having been convicted of a felony, the general registrar shall report the
 135 fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false statement made
 136 on his registration application.

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

148 **§ 24.2-428. Regular periodic review of registration records; notice to voters identified as having**
 149 **moved; placement on inactive status for failure to respond to notice.**

150 A. The State Board shall establish a voter list maintenance program using the change of address
 151 information supplied by the United States Postal Service through its licensees or by other reliable
 152 sources to identify voters whose addresses may have changed. *The Department of Elections shall utilize*
 153 *commercial change-of-address data to identify voters who have moved but did not use the National*
 154 *Change of Address System.* Any such program shall be regular and periodic and shall be conducted at
 155 least annually. The program shall be completed not later than ninety days prior to the date of a federal
 156 primary or federal general election.

157 B. If it appears from information provided by the Postal Service or by other reliable sources that a
 158 voter has moved to a different address in the same county or city in which the voter is currently
 159 registered, the State Board of Elections shall provide to the general registrar the information necessary to
 160 change the registration records to show the new address, and the State Board of Elections or the general
 161 registrar shall send to the new address of the voter by forwardable mail, a notice of the change, along
 162 with a postage prepaid, pre-addressed return card by which the voter may verify or correct the address
 163 information.

164 C. If it appears from information provided by the Postal Service or by other reliable sources that a
 165 voter has moved to a different address not in the same county or city, the State Board of Elections or
 166 the general registrar shall send to the last known address of the voter by forwardable mail, a notice on a
 167 form prescribed by the State Board, along with a postage prepaid and pre-addressed return card on
 168 which the voter may state his current address.

169 D. The registered voter shall complete and sign the return card subject to felony penalties for making
 170 false statements pursuant to § 24.2-1016.

171 E. The general registrar shall correct his registration records from the information obtained from the
 172 return card. If the information indicates that the registered voter has moved to another general registrar's
 173 jurisdiction within the Commonwealth, the general registrar shall transfer the registration record, along
 174 with the return card, to the appropriate general registrar who shall treat the request for a change of
 175 address as a request for transfer and shall send a voter registration card as confirmation of the transfer to
 176 the voter pursuant to § 24.2-424. If the general registrar does not receive the return card provided for in
 177 subsection C of this section within thirty days after it is sent to the voter, the registered voter's name
 178 shall be placed on inactive status. A registered voter's failure to receive the notice shall not affect the
 179 validity of the inactivation.