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SENATE BILL NO. 1105

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Privileges and Elections
on January 24, 2017)

(Patron Prior to Substitute—Senator Obenshain)

A *BILL to amend and reenact § 24.2-404.4 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 24.2-405.1 and 24.2-406.1, relating to investigations and reports of registered voters and persons voting at elections.*

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-404.4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 24.2-405.1 and 24.2-406.1 as follows:

§ 24.2-404.4. Exchange of registered voter lists with other states.

A. Pursuant to its authority under subsection A of § 24.2-405 and subsections B and C of § 24.2-406, the Department of Elections shall request voter registration information and lists of persons voting at primaries and elections, if available, from the states bordering the Commonwealth to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system.

B. Pursuant to its authority under subdivision A 10 of § 24.2-404, the Department of Elections shall utilize data regarding voter registration and lists of persons voting at primaries and elections received through list comparisons *and data-matching exchanges* with other states to identify duplicate registrations, voters who no longer reside in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain the overall accuracy of the voter registration system.

C. The Department shall compare the data received pursuant to subsections A and B with the state voter registration list and initiate list maintenance procedures under applicable state and federal law. The Department shall report to the House and Senate Committees on Privileges and Elections annually on the progress of activities conducted under this section, including the number of duplicate registrations found to exist and the procedures that the Department and general registrars are following to eliminate duplicate registrations from the Virginia registered voter lists. All annual reports required to be filed by the Department shall be governed by the provisions of § 2.2-608.

§ 24.2-405.1. Registered voters; reports when exceeding age eligible population.

Whenever the number of registered voters in a county or city exceeds the population of persons age 18 years or older, based on the most recent population estimate of the Weldon Cooper Center for Public Service of the University of Virginia, the local electoral board shall direct the general registrar to investigate the list of registered voters in order to determine the cause of the inflated number of registered voters, including identifying persons who may be improperly registered. The Department of Elections shall provide to any general registrar conducting such an investigation the data received by it pursuant to § 24.2-404.4 regarding voters registered in the registrar's locality, and the general registrar shall use such data during the course of the investigation.

The local electoral board shall make a report of the findings to the State Board, and this report shall be a public document.

§ 24.2-406.1. Persons voting at elections; reports when exceeding number of registered voters.

Whenever the number of persons voting at any election in a county or city exceeds the number of persons registered to vote in that county or city, the local electoral board shall direct the general registrar to investigate the list of persons voting at that election in order to determine the cause of the inflated turnout, including identifying persons who may not be eligible to vote. The Department of Elections shall provide to any general registrar conducting such an investigation the data received by it pursuant to § 24.2-404.4 regarding voters registered in the registrar's locality, and the general registrar shall use such data during the course of the investigation.

The local electoral board shall make a report of the findings to the State Board, and this report shall be a public document.