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HOUSE BILL NO. 2125

House Amendments in [] - January 29, 2021

A *BILL to amend and reenact § 24.2-404 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 4 of Title 24.2 a section numbered 24.2-403.1, relating to voter registration; preregistration of persons 16 years of age or older.*

Patron Prior to Engrossment—Delegate Lopez

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-404 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 4 of Title 24.2 a section numbered 24.2-403.1 as follows:

§ 24.2-403.1. Preregistration of persons 16 years of age or older.

Any person who is otherwise qualified and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, may preregister to vote. This preregistration shall not entitle a person 16 years of age or older to vote in any election except as provided in § 24.2-403.

§ 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. *Such system shall automatically register a person who has preregistered pursuant to § 24.2-403.1 upon that person becoming eligible for registration under § 24.2-403 or reaching 18 years of age, whichever comes first.*

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, *including voters who were automatically registered pursuant to subdivision 1*, and for notice to registered voters on the system of changes and corrections in their registration records and polling places.

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 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

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59 shall include the voter's year of birth.

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

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 Department in procuring and exchanging
64 identification information for the purpose of maintaining the voter registration system. The Department
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
73 Department by law. Receipts from such sales shall be credited to the Board for reimbursement of
74 printing expenses.

75 B. The Department 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 including,
77 but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et
78 seq.) shall not apply to records about individuals maintained in this system.

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

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

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

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

100 [2. That the provisions of this act shall become effective on October 1, 2022.]