

SENATE BILL NO. 196

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Privileges and Elections

on January 30, 2024)

(Patron Prior to Substitute--Senator VanValkenburg)

A BILL to amend and reenact §§ 24.2-404, 24.2-404.4, 24.2-431, and 24.2-652 of the Code of Virginia and to repeal §§ 24.2-429, 24.2-430, 24.2-432, and 24.2-433 of the Code of Virginia, relating to voter registration; list maintenance data standards; challenges to a voter's registration.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-404, 24.2-404.4, 24.2-431, and 24.2-652 of the Code of Virginia are amended and reenacted as follows:

§ 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. Such system shall also assign a unique identifier to each voter registered in the system.

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.

27 4. Require the general registrars to delete from the record of registered voters the name of any
28 voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due
29 to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated,
30 (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles
31 pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the
32 Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or
33 (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later
34 than 30 days after notification from the Department. The Department shall promptly provide the
35 information referred to in this subdivision, upon receiving it, to general registrars.

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

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

40 7. Provide to each general registrar, at least 16 days prior to a general or primary election and three
41 days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a
42 precinct in which the election is being held in the county, city, or town. These precinct lists shall be used
43 as the official lists of qualified voters and shall constitute the pollbooks. The Department shall provide
44 instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient
45 processing of voter lines at the polls. Prior to any general, primary, or special election, the Department
46 shall provide any general registrar, upon his request, with a separate electronic list of all registered voters
47 in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter
48 registration inquiry devices are used in precincts in the locality, the Department shall provide a regional
49 or statewide list of registered voters to the general registrar of the locality. The Department shall determine
50 whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of
51 registered voters shall include the day and month of birth of the voter, but shall include the voter's year of
52 birth.

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

55 9. Use any source of information that may assist in carrying out the purposes of this section. All
56 agencies of the Commonwealth shall cooperate with the Department in procuring and exchanging
57 identification information for the purpose of maintaining the voter registration system. The Department
58 may share any information that it receives from another agency of the Commonwealth with any Chief
59 Election Officer of another state for the maintenance of the voter registration system.

60 10. ~~Cooperate~~ In accordance with the provisions of § 24.2-404.4, cooperate with other states and
61 jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the
62 accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent
63 duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals
64 to vote in Virginia.

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

69 B. The Department shall be authorized to provide for the production, distribution, and receipt of
70 information and lists through the Virginia voter registration system by any appropriate means including,
71 but not limited to, paper and electronic means. The Virginia Freedom of Information Act (§ 2.2-3700 et
72 seq.) shall not apply to records about individuals maintained in this system.

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

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

78 E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements
79 Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department

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

85 F. The Department shall report annually by ~~October~~ August 1 for the preceding 12 months ending
 86 ~~August 31~~ June 30 to the Committees on Privileges and Elections on each of its activities undertaken to
 87 maintain the Virginia voter registration system and the results of those activities. The Department's report
 88 shall be governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to
 89 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,
 90 24.2-409.1, 24.2-410, 24.2-410.1, 24.2-427, and 24.2-428. This report shall contain the methodology used
 91 in gathering and analyzing the data. The Commissioner of Elections shall certify that the data included in
 92 the report is accurate and reliable.

93 G. The Department shall conduct an annual review of all sources of data utilized for list
 94 maintenance activities in the preceding 12-month period for the purpose of determining the validity,
 95 completeness, accuracy, and reliability of the data received from each source. The results of such review
 96 shall be included in the Department's report required pursuant to subsection F.

97 **§ 24.2-404.4. Exchange of registered voter lists with other states.**

98 ~~A. Pursuant to its authority under subsection A of § 24.2-405 and subsections B and C of § 24.2-~~
 99 ~~406, the~~ The Department of Elections shall (i) request voter registration information and lists of persons
 100 voting at primaries and elections, if available, from the states bordering the Commonwealth and (ii) utilize
 101 data regarding voter registration and lists of persons voting at primaries and elections received through
 102 list comparisons with other states in order to identify duplicate registrations, voters who no longer reside
 103 in the Commonwealth, and other persons who are no longer entitled to be registered in order as part of its
 104 duty to maintain the overall accuracy of the voter registration system.

105 ~~B. Pursuant to its authority under subdivision A 10 of § 24.2-404, the Department of Elections~~
 106 ~~shall utilize data regarding voter registration and lists of persons voting at primaries and elections received~~

107 ~~through list comparisons with other states to identify duplicate registrations, voters who no longer reside~~
108 ~~in the Commonwealth, and other persons who are no longer entitled to be registered in order to maintain~~
109 ~~the overall accuracy of the voter registration system.~~

110 ~~C.~~ The Department shall compare the data received pursuant to ~~subsections A and B~~ subsection A
111 with the state voter registration list and initiate list maintenance procedures under applicable state and
112 federal law. The Department shall include in its report to the House and Senate Committees on Privileges
113 and Elections, required by subsection F of § 24.2-404, the progress of activities conducted under this
114 section, including the number of duplicate registrations found to exist and the procedures that the
115 Department and general registrars are following to eliminate duplicate registrations from the Virginia
116 registered voter lists.

117 C. The Department shall not utilize any data received pursuant to subsection A for list maintenance
118 purposes when such data file does not include a unique identifier for each individual whose information
119 is contained in the data file. For purposes of this subsection, a unique identifier means an individual's full
120 social security number or Virginia Department of Motor Vehicles customer identifier number, or any data
121 field or combination of data fields that can be reliably linked to a single individual.

122 **§ 24.2-431. Petition to court objecting to registration; notice to person objected to; decision**
123 **of court; right of appeal.**

124 ~~In addition to challenging a voter's registration before the general registrar, any~~ A. Any three
125 qualified voters may file with the circuit court of the county or city in which they are registered, a petition
126 stating their objections to the registration of any person whose name is on the registration records for their
127 county or city. However, no petition may be filed if the only objection raised is based on removal of
128 residence from the precinct.

129 B. Fifteen days' notice shall be given by the petitioners to any person whose registration is objected
130 to pursuant to subsection A, and the court shall summarily proceed to determine the right of the person to
131 registration. The determination shall be without the necessity of formal pleadings and in preference to all
132 other matters on the docket. An order of the court concerning registration of the voter shall not be limited
133 by the provisions of § 24.2-416 requiring the registration records to be closed.

