

HOUSE BILL NO. 904

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections

on _____)

(Patron Prior to Substitute--Delegate Price)

A BILL to amend and reenact §§ 2.2-3711, as it is currently effective and as it may become effective, 24.2-401, 24.2-404, 24.2-408, 24.2-409, 24.2-410, 24.2-410.1, 24.2-427, 24.2-435, 24.2-444, and 24.2-703.1 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 24.2-407.2, by adding in Chapter 4 of Title 24.2 an article numbered 2.1 and by adding in such article sections numbered 24.2-407.3 and 24.2-410.3 through 24.2-410.6, and by adding a section numbered 24.2-426.1; and to repeal §§ 24.2-404.3, 24.2-404.4, 24.2-410.2, 24.2-428, 24.2-428.1, and 24.2-428.2 of the Code of Virginia, relating to voter registration; list maintenance activities; cancellation procedures; record matches; required identification information; data standards.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3711, as it is currently effective and as it may become effective, 24.2-401, 24.2-404, 24.2-408, 24.2-409, 24.2-410, 24.2-410.1, 24.2-427, 24.2-435, 24.2-444, and 24.2-703.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-407.2, by adding in Chapter 4 of Title 24.2 an article numbered 2.1 and by adding in such article sections numbered 24.2-407.3 and 24.2-410.3 through 24.2-410.6, and by adding a section numbered 24.2-426.1 as follows:

§ 2.2-3711. (Effective until date pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or

27 schools of public institutions of higher education where such evaluation will necessarily involve
28 discussion of the performance of specific individuals. Any teacher shall be permitted to be present during
29 a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the
30 teacher and some student and the student involved in the matter is present, provided the teacher makes a
31 written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision,
32 however, shall be construed to authorize a closed meeting by a local governing body or an elected school
33 board to discuss compensation matters that affect the membership of such body or board collectively.

34 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
35 involve the disclosure of information contained in a scholastic record concerning any student of any public
36 institution of higher education in the Commonwealth or any state school system. However, any such
37 student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be
38 permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if
39 such student, parents, or guardians so request in writing and such request is submitted to the presiding
40 officer of the appropriate board.

41 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the
42 disposition of publicly held real property, where discussion in an open meeting would adversely affect the
43 bargaining position or negotiating strategy of the public body.

44 4. The protection of the privacy of individuals in personal matters not related to public business.

45 5. Discussion concerning a prospective business or industry or the expansion of an existing
46 business or industry where no previous announcement has been made of the business' or industry's interest
47 in locating or expanding its facilities in the community.

48 6. Discussion or consideration of the investment of public funds where competition or bargaining
49 is involved, where, if made public initially, the financial interest of the governmental unit would be
50 adversely affected.

51 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to
52 actual or probable litigation, where such consultation or briefing in open meeting would adversely affect
53 the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable

54 litigation" means litigation that has been specifically threatened or on which the public body or its legal
55 counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this
56 subdivision shall be construed to permit the closure of a meeting merely because an attorney representing
57 the public body is in attendance or is consulted on a matter.

58 8. Consultation with legal counsel employed or retained by a public body regarding specific legal
59 matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be
60 construed to permit the closure of a meeting merely because an attorney representing the public body is
61 in attendance or is consulted on a matter.

62 9. Discussion or consideration by governing boards of public institutions of higher education of
63 matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or
64 work to be performed by such institution. However, the terms and conditions of any such gifts, bequests,
65 grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and
66 accepted by a public institution of higher education in the Commonwealth shall be subject to public
67 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,
68 (i) "foreign government" means any government other than the United States government or the
69 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity
70 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the
71 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the
72 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under
73 the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or
74 national of the United States or a trust territory or protectorate thereof.

75 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
76 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority,
77 and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
78 sources.

79 11. Discussion or consideration of honorary degrees or special awards.

80 12. Discussion or consideration of tests, examinations, or other information used, administered, or
81 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

82 13. Discussion, consideration, or review by the appropriate House or Senate committees of
83 possible disciplinary action against a member arising out of the possible inadequacy of the disclosure
84 statement filed by the member, provided the member may request in writing that the committee meeting
85 not be conducted in a closed meeting.

86 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or
87 to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing
88 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position
89 of the governing body or the establishment of the terms, conditions and provisions of the siting agreement,
90 or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

91 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
92 activity and estimating general and nongeneral fund revenues.

93 16. Discussion or consideration of medical and mental health records subject to the exclusion in
94 subdivision 1 of § 2.2-3705.5.

95 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
96 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
97 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
98 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3
99 and subdivision 11 of § 2.2-3705.7.

100 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or
101 discloses the identity of, or information tending to identify, any prisoner who (i) provides information
102 about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or
103 in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders
104 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

105 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific
106 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement

107 or emergency service officials concerning actions taken to respond to such matters or a related threat to
108 public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2,
109 where discussion in an open meeting would jeopardize the safety of any person or the security of any
110 facility, building, structure, information technology system, or software program; or discussion of reports
111 or plans related to the security of any governmental facility, building or structure, or the safety of persons
112 using such facility, building or structure.

113 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30,
114 or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of
115 trustees of a trust established by one or more local public bodies to invest funds for postemployment
116 benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2,
117 or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board
118 of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or
119 disposition of a security or other ownership interest in an entity, where such security or ownership interest
120 is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i)
121 concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared
122 by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings
123 Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia
124 College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or
125 the future financial performance of the entity, and (ii) would have an adverse effect on the value of the
126 investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of
127 trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing
128 in this subdivision shall be construed to prevent the disclosure of information relating to the identity of
129 any investment held, the amount invested or the present value of such investment.

130 21. Those portions of meetings in which individual child death cases are discussed by the State
131 Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which
132 individual child death cases are discussed by a regional or local child fatality review team established
133 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by

134 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in
135 which individual adult death cases are discussed by the state Adult Fatality Review Team established
136 pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed
137 by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of
138 meetings in which individual death cases are discussed by overdose fatality review teams established
139 pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are
140 discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of
141 meetings in which individual death cases of persons with developmental disabilities are discussed by the
142 Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

143 22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern
144 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any
145 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern
146 Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary,
147 business-related information pertaining to the operations of the University of Virginia Medical Center or
148 Eastern Virginia Medical School, as the case may be, including business development or marketing
149 strategies and activities with existing or future joint venturers, partners, or other parties with whom the
150 University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed,
151 or forms, any arrangement for the delivery of health care, if disclosure of such information would
152 adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as
153 the case may be.

154 23. Discussion or consideration by the Virginia Commonwealth University Health System
155 Authority or the board of visitors of Virginia Commonwealth University of any of the following: the
156 acquisition or disposition by the Authority of real property, equipment, or technology software or
157 hardware and related goods or services, where disclosure would adversely affect the bargaining position
158 or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities
159 of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing
160 or operational strategies plans of the Authority where disclosure of such strategies or plans would

161 adversely affect the competitive position of the Authority; and members of the Authority's medical and
162 teaching staffs and qualifications for appointments thereto.

163 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee
164 within the Department of Health Professions to the extent such discussions identify any practitioner who
165 may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

166 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein
167 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by
168 or on behalf of individuals who have requested information about, applied for, or entered into prepaid
169 tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title
170 23.1 is discussed.

171 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery
172 Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as
173 defined in § 56-484.12, related to the provision of wireless E-911 service.

174 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
175 Professional and Occupational Regulation, Department of Health Professions, or the Board of
176 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a
177 decision or meetings of health regulatory boards or conference committees of such boards to consider
178 settlement proposals in pending disciplinary actions or modifications to previously issued board orders as
179 requested by either of the parties.

180 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-
181 3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in
182 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
183 public entity concerning such records.

184 29. Discussion of the award of a public contract involving the expenditure of public funds,
185 including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where
186 discussion in an open session would adversely affect the bargaining position or negotiating strategy of the
187 public body.

188 30. Discussion or consideration of grant or loan application information subject to the exclusion
189 in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

190 31. Discussion or consideration by the Commitment Review Committee of information subject to
191 the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually
192 violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

193 32. Discussion or consideration of confidential proprietary information and trade secrets developed
194 and held by a local public body providing certain telecommunication services or cable television services
195 and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
196 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et
197 seq.).

198 33. Discussion or consideration by a local authority created in accordance with the Virginia
199 Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade
200 secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

201 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting
202 security matters made confidential pursuant to § ~~24.2-410.2~~ 24.2-407.2 or 24.2-625.1.

203 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory
204 Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal
205 investigative files.

206 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
207 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and
208 meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and
209 consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or
210 recover scholarship awards.

211 37. Discussion or consideration by the Virginia Port Authority of information subject to the
212 exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the
213 Virginia Port Authority.

214 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
215 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
216 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College
217 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory
218 Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of
219 § 2.2-3705.7.

220 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-
221 3705.6 related to economic development.

222 40. Discussion or consideration by the Board of Education of information relating to the denial,
223 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

224 41. Those portions of meetings of the Virginia Military Advisory Council or any commission
225 created by executive order for the purpose of studying and making recommendations regarding preventing
226 closure or realignment of federal military and national security installations and facilities located in
227 Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization
228 appointed by a local governing body, during which there is discussion of information subject to the
229 exclusion in subdivision 8 of § 2.2-3705.2.

230 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
231 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
232 information of donors.

233 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
234 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information
235 contained in grant applications.

236 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority
237 of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or
238 charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain
239 proprietary information of a private entity provided to the Authority.

240 45. Discussion or consideration of personal and proprietary information related to the resource
241 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii)
242 subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records
243 that contain information that has been certified for release by the person who is the subject of the
244 information or transformed into a statistical or aggregate form that does not allow identification of the
245 person who supplied, or is the subject of, the information.

246 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage
247 Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to
248 investigations of applicants for licenses and permits and of licensees and permittees.

249 47. Discussion or consideration of grant, loan, or investment application records subject to the
250 exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-
251 2351 et seq.) of Chapter 22.

252 48. Discussion or development of grant proposals by a regional council established pursuant to
253 Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and
254 Opportunity Board.

255 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response
256 team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses
257 involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii)
258 individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to
259 §§ 15.2-1627.5 and 63.2-1605.

260 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership
261 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the
262 portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to
263 subdivision 33 of § 2.2-3705.7.

264 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic
265 Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and
266 discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of

267 § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B
268 of § 2.2-2040.

269 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership
270 Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the
271 Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

272 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the
273 denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or
274 revocation of any license or permit related to casino gaming, and discussion, consideration, or review of
275 matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

276 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007
277 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to
278 sports betting and any discussion, consideration, or review of matters related to investigations excluded
279 from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

280 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a
281 closed meeting shall become effective unless the public body, following the meeting, reconvenes in open
282 meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or
283 motion that shall have its substance reasonably identified in the open meeting.

284 C. Public officers improperly selected due to the failure of the public body to comply with the
285 other provisions of this section shall be de facto officers and, as such, their official actions are valid until
286 they obtain notice of the legal defect in their election.

287 D. Nothing in this section shall be construed to prevent the holding of conferences between two or
288 more public bodies, or their representatives, but these conferences shall be subject to the same procedures
289 for holding closed meetings as are applicable to any other public body.

290 E. This section shall not be construed to (i) require the disclosure of any contract between the
291 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§
292 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to
293 the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered

294 to issue industrial revenue bonds by general or special law, to identify a business or industry to which
295 subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record
296 at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

297 **§ 2.2-3711. (Effective pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings**
298 **authorized for certain limited purposes.**

299 A. Public bodies may hold closed meetings only for the following purposes:

300 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
301 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
302 officers, appointees, or employees of any public body; and evaluation of performance of departments or
303 schools of public institutions of higher education where such evaluation will necessarily involve
304 discussion of the performance of specific individuals. Any teacher shall be permitted to be present during
305 a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the
306 teacher and some student and the student involved in the matter is present, provided that the teacher makes
307 a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision,
308 however, shall be construed to authorize a closed meeting by a local governing body or an elected school
309 board to discuss compensation matters that affect the membership of such body or board collectively.

310 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
311 involve the disclosure of information contained in a scholastic record concerning any student of any public
312 institution of higher education in the Commonwealth or any state school system. However, any such
313 student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be
314 permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if
315 such student, parents, or guardians so request in writing and such request is submitted to the presiding
316 officer of the appropriate board.

317 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the
318 disposition of publicly held real property, where discussion in an open meeting would adversely affect the
319 bargaining position or negotiating strategy of the public body.

320 4. The protection of the privacy of individuals in personal matters not related to public business.

321 5. Discussion concerning a prospective business or industry or the expansion of an existing
322 business or industry where no previous announcement has been made of the business' or industry's interest
323 in locating or expanding its facilities in the community.

324 6. Discussion or consideration of the investment of public funds where competition or bargaining
325 is involved, where, if made public initially, the financial interest of the governmental unit would be
326 adversely affected.

327 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to
328 actual or probable litigation, where such consultation or briefing in open meeting would adversely affect
329 the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable
330 litigation" means litigation that has been specifically threatened or on which the public body or its legal
331 counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this
332 subdivision shall be construed to permit the closure of a meeting merely because an attorney representing
333 the public body is in attendance or is consulted on a matter.

334 8. Consultation with legal counsel employed or retained by a public body regarding specific legal
335 matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be
336 construed to permit the closure of a meeting merely because an attorney representing the public body is
337 in attendance or is consulted on a matter.

338 9. Discussion or consideration by governing boards of public institutions of higher education of
339 matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or
340 work to be performed by such institution. However, the terms and conditions of any such gifts, bequests,
341 grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and
342 accepted by a public institution of higher education in the Commonwealth shall be subject to public
343 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,
344 (i) "foreign government" means any government other than the United States government or the
345 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity
346 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the
347 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the

348 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under
349 the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or
350 national of the United States or a trust territory or protectorate thereof.

351 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
352 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority,
353 and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
354 sources.

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357 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

358 13. Discussion, consideration, or review by the appropriate House or Senate committees of
359 possible disciplinary action against a member arising out of the possible inadequacy of the disclosure
360 statement filed by the member, provided that the member may request in writing that the committee
361 meeting not be conducted in a closed meeting.

362 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or
363 to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing
364 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position
365 of the governing body or the establishment of the terms, conditions and provisions of the siting agreement,
366 or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

367 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
368 activity and estimating general and nongeneral fund revenues.

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370 subdivision 1 of § 2.2-3705.5.

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372 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
373 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game

374 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3
375 and subdivision 11 of § 2.2-3705.7.

376 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or
377 discloses the identity of, or information tending to identify, any prisoner who (i) provides information
378 about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or
379 in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders
380 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

381 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific
382 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement
383 or emergency service officials concerning actions taken to respond to such matters or a related threat to
384 public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2,
385 where discussion in an open meeting would jeopardize the safety of any person or the security of any
386 facility, building, structure, information technology system, or software program; or discussion of reports
387 or plans related to the security of any governmental facility, building or structure, or the safety of persons
388 using such facility, building or structure.

389 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30,
390 or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of
391 trustees of a trust established by one or more local public bodies to invest funds for postemployment
392 benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2,
393 or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board
394 of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or
395 disposition of a security or other ownership interest in an entity, where such security or ownership interest
396 is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i)
397 concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared
398 by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings
399 Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia
400 College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or

401 the future financial performance of the entity, and (ii) would have an adverse effect on the value of the
402 investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of
403 trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing
404 in this subdivision shall be construed to prevent the disclosure of information relating to the identity of
405 any investment held, the amount invested or the present value of such investment.

406 21. Those portions of meetings in which individual child death cases are discussed by the State
407 Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which
408 individual child death cases are discussed by a regional or local child fatality review team established
409 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by
410 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in
411 which individual adult death cases are discussed by the state Adult Fatality Review Team established
412 pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed
413 by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of
414 meetings in which individual death cases are discussed by overdose fatality review teams established
415 pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are
416 discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of
417 meetings in which individual death cases of persons with developmental disabilities are discussed by the
418 Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

419 22. Those portions of meetings of the board of visitors of the University of Virginia or Old
420 Dominion University, as the case may be, and those portions of meetings of any persons to whom
421 management responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health
422 Sciences Center at Old Dominion University, as the case may be, have been delegated, in which there is
423 discussed proprietary, business-related information pertaining to the operations of the University of
424 Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as
425 the case may be, including business development or marketing strategies and activities with existing or
426 future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or
427 the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, has formed,

428 or forms, any arrangement for the delivery of health care, if disclosure of such information would
429 adversely affect the competitive position of the University of Virginia Medical Center or the Eastern
430 Virginia Health Sciences Center at Old Dominion University, as the case may be.

431 23. Discussion or consideration by the Virginia Commonwealth University Health System
432 Authority or the board of visitors of Virginia Commonwealth University of any of the following: the
433 acquisition or disposition by the Authority of real property, equipment, or technology software or
434 hardware and related goods or services, where disclosure would adversely affect the bargaining position
435 or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities
436 of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing
437 or operational strategies plans of the Authority where disclosure of such strategies or plans would
438 adversely affect the competitive position of the Authority; and members of the Authority's medical and
439 teaching staffs and qualifications for appointments thereto.

440 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee
441 within the Department of Health Professions to the extent such discussions identify any practitioner who
442 may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

443 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein
444 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by
445 or on behalf of individuals who have requested information about, applied for, or entered into prepaid
446 tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title
447 23.1 is discussed.

448 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery
449 Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as
450 defined in § 56-484.12, related to the provision of wireless E-911 service.

451 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
452 Professional and Occupational Regulation, Department of Health Professions, or the Board of
453 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a
454 decision or meetings of health regulatory boards or conference committees of such boards to consider

455 settlement proposals in pending disciplinary actions or modifications to previously issued board orders as
456 requested by either of the parties.

457 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-
458 3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in
459 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
460 public entity concerning such records.

461 29. Discussion of the award of a public contract involving the expenditure of public funds,
462 including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where
463 discussion in an open session would adversely affect the bargaining position or negotiating strategy of the
464 public body.

465 30. Discussion or consideration of grant or loan application information subject to the exclusion
466 in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

467 31. Discussion or consideration by the Commitment Review Committee of information subject to
468 the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually
469 violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

470 32. Discussion or consideration of confidential proprietary information and trade secrets developed
471 and held by a local public body providing certain telecommunication services or cable television services
472 and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
473 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et
474 seq.).

475 33. Discussion or consideration by a local authority created in accordance with the Virginia
476 Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade
477 secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

478 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting
479 security matters made confidential pursuant to § ~~24.2-410.2~~ 24.2-407.2 or 24.2-625.1.

480 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory
481 Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal
482 investigative files.

483 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
484 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and
485 meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and
486 consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or
487 recover scholarship awards.

488 37. Discussion or consideration by the Virginia Port Authority of information subject to the
489 exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the
490 Virginia Port Authority.

491 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
492 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
493 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College
494 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory
495 Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of
496 § 2.2-3705.7.

497 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-
498 3705.6 related to economic development.

499 40. Discussion or consideration by the Board of Education of information relating to the denial,
500 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

501 41. Those portions of meetings of the Virginia Military Advisory Council or any commission
502 created by executive order for the purpose of studying and making recommendations regarding preventing
503 closure or realignment of federal military and national security installations and facilities located in
504 Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization
505 appointed by a local governing body, during which there is discussion of information subject to the
506 exclusion in subdivision 8 of § 2.2-3705.2.

507 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
508 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
509 information of donors.

510 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
511 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information
512 contained in grant applications.

513 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority
514 of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or
515 charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain
516 proprietary information of a private entity provided to the Authority.

517 45. Discussion or consideration of personal and proprietary information related to the resource
518 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii)
519 subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records
520 that contain information that has been certified for release by the person who is the subject of the
521 information or transformed into a statistical or aggregate form that does not allow identification of the
522 person who supplied, or is the subject of, the information.

523 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage
524 Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to
525 investigations of applicants for licenses and permits and of licensees and permittees.

526 47. Discussion or consideration of grant, loan, or investment application records subject to the
527 exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-
528 2351 et seq.) of Chapter 22.

529 48. Discussion or development of grant proposals by a regional council established pursuant to
530 Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and
531 Opportunity Board.

532 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response
533 team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses

534 involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii)
535 individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to
536 §§ 15.2-1627.5 and 63.2-1605.

537 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership
538 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the
539 portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to
540 subdivision 33 of § 2.2-3705.7.

541 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic
542 Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and
543 discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of
544 § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B
545 of § 2.2-2040.

546 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership
547 Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the
548 Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

549 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the
550 denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or
551 revocation of any license or permit related to casino gaming, and discussion, consideration, or review of
552 matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

553 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007
554 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to
555 sports betting and any discussion, consideration, or review of matters related to investigations excluded
556 from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

557 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a
558 closed meeting shall become effective unless the public body, following the meeting, reconvenes in open
559 meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or
560 motion that shall have its substance reasonably identified in the open meeting.

561 C. Public officers improperly selected due to the failure of the public body to comply with the
562 other provisions of this section shall be de facto officers and, as such, their official actions are valid until
563 they obtain notice of the legal defect in their election.

564 D. Nothing in this section shall be construed to prevent the holding of conferences between two or
565 more public bodies, or their representatives, but these conferences shall be subject to the same procedures
566 for holding closed meetings as are applicable to any other public body.

567 E. This section shall not be construed to (i) require the disclosure of any contract between the
568 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§
569 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to
570 the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered
571 to issue industrial revenue bonds by general or special law, to identify a business or industry to which
572 subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record
573 at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

574 **§ 24.2-401. Persons moving from precinct.**

575 A person who is qualified to vote except for having moved his residence from one precinct to
576 another within the Commonwealth may vote in the precinct from which he has moved in the following
577 November general election and any intervening election unless his registration has been transferred or
578 ~~cancelled~~ canceled as provided in this chapter. In addition, a person may continue to vote in the precinct
579 from which he has moved through the ensuing second general election for federal office, provided that (i)
580 he has moved his residence from one precinct to another in the same registrar's jurisdiction and the same
581 congressional district; (ii) he has failed to respond to the notice provided in ~~§ 24.2-428~~ 24.2-410.4; (iii)
582 his registration has not been transferred or ~~cancelled~~ canceled as provided in this chapter; and (iv) he has
583 affirmed orally or in writing his new address before an officer of election at the polling place.

584 **§ 24.2-404. Duties of Department of Elections.**

585 A. The Department of Elections shall provide for the continuing operation and maintenance of a
586 central recordkeeping system, the Virginia voter registration system, for all voters registered in the
587 Commonwealth.

588 In order to operate and maintain the system, the Department shall:

589 1. Maintain a complete, separate, and accurate record of all registered voters in the
590 Commonwealth. Such system shall automatically register a person who has preregistered pursuant to §
591 24.2-403.1 upon that person becoming eligible for registration under § 24.2-403 or reaching 18 years of
592 age, whichever comes first. Such system shall also assign a unique identifier to each voter registered in
593 the system.

594 2. Require the general registrars to enter the names of all registered voters into the system and to
595 change or correct registration records as necessary.

596 3. Provide to each general registrar voter confirmation documents for newly registered voters,
597 including voters who were automatically registered pursuant to subdivision 1, and for notice to registered
598 voters on the system of changes and corrections in their registration records and polling places.

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

608 5. ~~Retain~~ Create a cancellation record, or direct the general registrars to create a record, to be
609 retained on the system for at least four years ~~a separate record,~~ for each registered voters voter whose
610 ~~names have been deleted~~ registration is canceled, with the reason for ~~deletion~~ cancellation. In accordance
611 with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and 52 U.S.C. § 20507(i), such
612 cancellation records shall be made available for public inspection and copying.

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

615 7. Provide to each general registrar, at least 16 days prior to a general or primary election and three
616 days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a
617 precinct in which the election is being held in the county, city, or town. These precinct lists shall be used
618 as the official lists of qualified voters and shall constitute the pollbooks. The Department shall provide
619 instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient
620 processing of voter lines at the polls. Prior to any general, primary, or special election, the Department
621 shall provide any general registrar, upon his request, with a separate electronic list of all registered voters
622 in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter
623 registration inquiry devices are used in precincts in the locality, the Department shall provide a regional
624 or statewide list of registered voters to the general registrar of the locality. The Department shall determine
625 whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of
626 registered voters shall include the day and month of birth of the voter, but shall include the voter's year of
627 birth.

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

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

635 10. ~~Cooperate~~ In accordance with the provisions of § 24.2-410.3, cooperate with other states and
636 jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the
637 accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent
638 duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals
639 to vote in Virginia.

640 11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts
641 and polling places, statements of election results by precinct, and any other items required of the

642 Department by law. Receipts from such sales shall be credited to the Board for reimbursement of printing
643 expenses.

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

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

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

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

660 ~~F. The Department shall report annually by October 1 for the preceding 12 months ending August~~
661 ~~31 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the~~
662 ~~Virginia voter registration system and the results of those activities. The Department's report shall be~~
663 ~~governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to~~
664 ~~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,~~
665 ~~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~~
666 ~~in gathering and analyzing the data. The Commissioner of Elections shall certify that the data included in~~
667 ~~the report is accurate and reliable.~~

668 **§ 24.2-407.2. Security of the Virginia voter registration system.**

669 A. The State Board shall promulgate regulations and standards necessary to ensure the security
670 and integrity of the Virginia voter registration system and the supporting technologies utilized by the
671 counties and cities to maintain and record registrant information. The State Board shall, in consultation
672 with representatives of local government information technology professionals and general registrars,
673 update the security standards at least annually. Such review shall be completed by November 30 each
674 year.

675 B. The electoral board of each county and city that utilizes supporting technologies to maintain
676 and record registrant information shall develop and annually update written plans and procedures to ensure
677 the security and integrity of those supporting technologies. All plans and procedures shall be in compliance
678 with the security standards established by the State Board pursuant to subsection A. Each electoral board
679 shall report annually by March 1 to the Department of Elections on its security plans and procedures. The
680 general registrar and the Department of Elections shall provide assistance to the electoral board, upon
681 request by the electoral board.

682 C. In accordance with the process prescribed by the State Board, the Department of Elections may
683 limit access to the Virginia voter registration system by any county or city that has failed to comply with
684 the provisions of subsection B or the security standards established by the State Board pursuant to
685 subsection A. Such access shall be limited as necessary in order to address and resolve any security risks
686 or to enforce compliance with the provisions of subsection B or the security standards established by the
687 State Board. Prior to restricting access to the Virginia voter registration system by any county or city, the
688 Department of Elections shall provide notice to the county or city of the failure to comply with the
689 provisions of subsection A or B and the county or city shall have seven days to correct any deficiencies.
690 The Department of Elections may provide technical assistance to any county or city upon request by the
691 county or city.

692 D. Records of the State Board or of a local electoral board, to the extent such records describe
693 protocols for maintaining the security of the Virginia voter registration system and the supporting
694 technologies utilized to maintain and record registrant information, the release of which would

695 compromise the security of the Virginia voter registration system, shall be confidential and excluded from
696 inspection and copying under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

697 E. The State Board or a local electoral board may hold a closed meeting pursuant to the provisions
698 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) for the purpose of discussing protocols
699 for maintaining the security of the Virginia voter registration system and the supporting technologies
700 utilized to maintain and record registrant information, where discussion of such matters in open meeting
701 would compromise the security of the Virginia voter registration system. Nothing in this subsection shall
702 be construed to authorize a closed meeting to discuss any breach of security of the Virginia voter
703 registration system.

704 F. Nothing in this section shall be construed to prohibit the release of information concerning any
705 breach of security of the Virginia voter registration system.

706 Article 2.1.

707 List Maintenance.

708 **§ 24.2-407.3. Duty of Department of Elections; list maintenance activities; annual review;**
709 **report.**

710 A. Upon receipt of any list, record, or other information provided pursuant to this article, the
711 Department shall compare the contents of such list or record to the list of all registered voters maintained
712 on the voter registration system and determine the confidence score in accordance with subsection B for
713 any match of a registration record with information on the list or record received.

714 B. When comparing a registration record with information on a list or record received pursuant to
715 this article, the Department shall determine the confidence score for any match by adding points for
716 information matches based on the following criteria:

717 1. A match of the full Social Security number: 40 points.

718 2. A match of the last four digits of the Social Security number: 10 points.

719 3. A match of the Virginia Department of Motor Vehicles customer identifier number: 50 points.

720 4. A match of the date of birth: 25 points.

721 5. A match of the last name: 15 points.

722 6. A match of the first name: 15 points.

723 7. A match of the middle name: 5 points.

724 8. A match of a suffix: 5 points.

725 9. A match of the residence address: 10 points.

726 10. A match of the zip code: 5 points.

727 C. The Department shall transmit to the appropriate general registrar a voter's registration record
728 only if (i) the match has a confidence score of at least 80 and (ii) the first and last name and the date of
729 birth in the voter's registration record is identical to the first and last name and the date of birth on the list
730 or record. The general registrars shall use the information received pursuant to this subsection to carry out
731 their duties in accordance with § 24.2-427.

732 D. The Department shall conduct an annual review of all sources of data utilized pursuant to this
733 article for list maintenance activities in the preceding 12-month period for the purpose of determining the
734 validity, completeness, accuracy, and reliability of the data received from each source. The results of such
735 review, including the methodology used to analyze and determine accuracy and reliability, shall be
736 included in the Department's report required pursuant to subsection E.

737 E. The Department shall report annually by August 1 for the preceding 12 months ending June 30
738 to the House and Senate Committees on Privileges and Elections on each of its activities undertaken to
739 maintain the Virginia voter registration system and the results of those activities. The Department's report
740 shall be governed by the provisions of § 2.2-608 and shall encompass activities undertaken pursuant to
741 this article and Article 5 (§ 24.2-426.1 et seq.). This report shall contain the methodology used in gathering
742 and analyzing the data. The Commissioner of Elections shall certify that the data included in the report is
743 accurate and reliable.

744 **§ 24.2-408. Lists of deceased voters; State Registrar of Vital Records; Social Security**
745 **Administration.**

746 A. The State Registrar of Vital Records shall transmit to the Department of Elections by electronic
747 means a weekly list of all persons 17 years of age or older who have died in the Commonwealth subsequent
748 to its previous weekly list. The lists shall be in a format specified by the Department and shall contain ~~the~~

749 ~~deceased's name; address; county, city, or town of residence; social security number, if any; and date and~~
750 ~~place of his birth and of his death, at a minimum, the following identification information for each person~~
751 ~~included on the list: (i) his last name, including any other last name used; (ii) his first name, including any~~
752 ~~other name used; (iii) his middle name or initial; (iv) his date and place of birth; (v) his social security~~
753 ~~number, if any; (vi) his Department of Motor Vehicles customer identifier number, if any; (vii) his last~~
754 ~~known address of residence, including the county, city, or town; and (viii) his date and place of death.~~

755 B. On or before July 1 of each year, the Department shall conduct a match of the Virginia registered
756 voter lists with the list of deceased persons maintained by the Social Security Administration.

757 C. The Department shall compare the contents of such lists to identify record matches in
758 accordance with § 24.2-407.3, and the general registrars shall have access to the information in the lists
759 necessary to carry out their duties pursuant to § 24.2-427. The Department shall maintain a permanent
760 record of the information in the lists as part of the voter registration system, and the general registrars shall
761 use the information in the lists to carry out their duties pursuant to § 24.2-427. Information in the lists
762 shall be confidential and consistent with the requirements of § 32.1-271.

763 **§ 24.2-409. Lists of persons convicted of felonies; Central Criminal Records Exchange.**

764 ~~The~~ A. Each month, the Central Criminal Records Exchange shall transmit to the Department of
765 Elections by electronic means (i) a monthly a list of all persons convicted of a felony during the preceding
766 month and (ii) an annual list of all persons who have been convicted of a felony, regardless of when the
767 conviction occurred. The list shall be in a format mutually agreed upon by the Commissioner of Elections
768 and the Department of State Police and shall contain the convicted person's name; address; county, city, or
769 town of residence; social security number, if any; date and place of birth; and date of conviction, at a
770 minimum, the following identification information for each person included on the list: (i) his last name,
771 including any other last name used; (ii) his first name, including any other name used; (iii) his middle
772 name or initial; (iv) his date and place of birth; (v) his social security number, if any; (vi) his Department
773 of Motor Vehicles customer identifier number, if any; (vii) his last known address of residence, including
774 the county, city, or town; and (viii) the offenses for which he was convicted and the date of conviction for

775 ~~each. The Department shall maintain a permanent record of the information in the lists as part of the voter~~
776 ~~registration system.~~

777 B. Upon receipt of the monthly list, the Department shall compare, on a monthly basis, the contents
778 of the list to the list of all registered voters maintained on the voter registration system and shall notify the
779 appropriate general registrar of the felony conviction of any registered voter to identify record matches in
780 accordance with § 24.2-407.3. The general registrars shall have access to the information in the lists
781 necessary to carry out their duties pursuant to § 24.2-427.

782 C. On or before July 1 each year, the Central Criminal Records Exchange shall transmit to the
783 Department of Elections by electronic means a list of all persons convicted of a felony, regardless of when
784 the conviction occurred. The list shall be in a format mutually agreed upon by the Commissioner of
785 Elections and the Department of State Police and shall contain, at a minimum, the information required in
786 clauses (i) through (viii) of subsection A for monthly lists. Upon receipt of the annual list, the Department
787 shall compare the contents of the list to the list of all registered voters maintained on the voter registration
788 system and shall notify the appropriate general registrar of the felony conviction of any registered voter
789 to identify record matches in accordance with § 24.2-407.3. The general registrars shall have access to the
790 information in the lists necessary to carry out their duties pursuant to § 24.2-427.

791 D. The Department shall maintain as part of the voter registration system a permanent record of
792 the information in the lists received pursuant to this section.

793 **§ 24.2-410. Lists of certain adjudications; clerks of circuit court.**

794 ~~The~~ A. Each month, the clerk of each circuit court shall furnish monthly transmit to the Department
795 of Elections by electronic means a complete list of all persons who have been adjudicated incapacitated
796 pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 or whose incapacity has been recognized
797 pursuant to § 64.2-2115, and therefore "mentally incompetent" for purposes of this title unless the court
798 order specifically provides otherwise, during the preceding month ~~or~~. If no such adjudications have
799 occurred that month, the clerk shall transmit to the Department instead a statement that no adjudications
800 have occurred that month. The list shall contain, at a minimum, the following identification information
801 for each such person's person included on the list: (i) his last name, including any other last name used;

802 (ii) his first name, including any other name used; (iii) his middle name or initial; (iv) his last known
803 address of residence, including the county, city, or town-of residence; (v) his social security number, if
804 any; (vi) his Department of Motor Vehicles customer identifier number, if any; (vii) his date and place of
805 birth; and (viii) the date of his adjudication.~~The Commissioner of Elections and the Executive Secretary~~
806 ~~shall determine the procedure for furnishing such lists, which may be by electronic means.~~

807 B. Upon receipt of the monthly list, the Department shall compare the contents of the list to the
808 list of all registered voters maintained on the voter registration system to identify record matches in
809 accordance with § 24.2-407.3. The general registrars shall have access to the information in the lists
810 necessary to carry out their duties pursuant to § 24.2-427.

811 C. The Department shall transmit maintain as part of the voter registration system a permanent
812 record of the information from the list to the appropriate general registrars in the lists received pursuant
813 to this section.

814 **§ 24.2-410.1. Lists of noncitizens; Department of Motor Vehicles.**

815 A. The Department of Motor Vehicles shall include on the application for any document, or
816 renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 a
817 statement asking the applicant if he is a United States citizen. Information on citizenship status shall not
818 be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 46.2-
819 300 et seq.) of Title 46.2.

820 B. The Department of Motor Vehicles shall furnish monthly to the Department of Elections a
821 complete list of all persons who have indicated a noncitizen status to the Department of Motor Vehicles
822 in obtaining any document, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300
823 et seq.) of Title 46.2. Such list shall contain, at a minimum, the following identification information for
824 each person included on the list: (i) his last name, including any other last name used; (ii) his first name,
825 including any other name used; (iii) his middle name or initial; (iv) his date and place of birth; (v) his
826 social security number, if any; (vi) his Department of Motor Vehicles customer identifier number, if any;
827 and (vii) his last known address of residence, including the county, city, or town.

828 ~~The~~ C. Upon receipt of the monthly list, the Department of Elections shall transmit the information
829 ~~from the list to the appropriate~~ compare the contents of the list to the list of all registered voters maintained
830 on the voter registration system to identify record matches in accordance with § 24.2-407.3. The general
831 registrars shall have access to the information in the lists necessary to carry out their duties pursuant to §
832 24.2-427. Information in the lists shall be confidential and available only for official use by the Department
833 of Elections and general registrars.

834 ~~B.~~ D. For the purposes of this section, the Department of Motor Vehicles is not responsible for
835 verifying the claim of any applicant who indicates United States citizen status when applying for any
836 document, or renewal thereof, issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title
837 46.2.

838 **§ 24.2-410.3. Exchange of registered voter lists with other states.**

839 A. The Department of Elections shall (i) request voter registration information and lists of persons
840 voting at primaries and elections, if available, from the states bordering the Commonwealth and (ii) utilize
841 data regarding voter registration and lists of persons voting at primaries and elections received through
842 list comparisons with other states in order to identify duplicate registrations, voters who no longer reside
843 in the Commonwealth, and other persons who are no longer entitled to be registered as part of its duty to
844 maintain the overall accuracy of the voter registration system.

845 B. The Department shall compare the data received pursuant to subsection A with the state voter
846 registration list to identify record matches in accordance with § 24.2-407.3. The Department shall include
847 in its report to the House and Senate Committees on Privileges and Elections, required by § 24.2-407.3,
848 the progress of activities conducted under this section, including the number of duplicate registrations
849 found to exist and the procedures that the Department and general registrars are following to eliminate
850 duplicate registrations from the Virginia registered voter lists.

851 C. The Department shall not utilize any data received pursuant to subsection A for list maintenance
852 purposes when such data file does not include a unique identifier for each individual whose information
853 is contained in the data file. For purposes of this subsection, a "unique identifier" means an individual's

854 full social security number or Virginia Department of Motor Vehicles customer identifier number, or any
855 data field or combination of data fields that can be reliably linked to a single individual.

856 **§ 24.2-410.4. Regular periodic review of registration records; confirmation notification**
857 **process.**

858 A. In accordance with the National Voter Registration Act of 1993 (52 U.S.C. § 20501 et seq.),
859 the Department of Elections shall establish a voter list maintenance program using the change of address
860 information supplied by the United States Postal Service through its licensees, or by other reliable sources,
861 to identify voters whose addresses may have changed. Any such program shall be regular and periodic
862 and shall be conducted at least annually. The program shall be completed not later than 90 days prior to
863 the date of a federal primary or federal general election.

864 B. If it appears from information provided by the United States Postal Service or by other reliable
865 sources that a voter has moved to a different address in the same county or city in which the voter is
866 currently registered, the Department shall provide to the general registrar the information necessary to
867 change the registration records to show the new address, and the Department or the general registrar shall
868 send to the new address of the voter by forwardable mail, a notice of the change, along with a postage
869 prepaid, pre-addressed return card by which the voter may verify or correct the address information.

870 C. If it appears from information provided by the United States Postal Service or by other reliable
871 sources that a voter has moved to a different address not in the same county or city, the Department or the
872 general registrar shall send to the last known address of the voter by forwardable mail, a notice on a form
873 prescribed by the Department, along with a postage prepaid and pre-addressed return card on which the
874 voter may verify or correct the address information or state his current address.

875 D. The registered voter shall complete and sign the return card subject to felony penalties for
876 making false statements pursuant to § 24.2-1016 and shall return such card to the general registrar within
877 30 days of it being sent.

878 E. The general registrar shall correct his registration records from the information obtained from
879 the return card. If the information indicates that the registered voter has moved to another general
880 registrar's jurisdiction within the Commonwealth, the general registrar shall transfer the registration

881 record, along with the return card, to the appropriate general registrar who shall treat the request for a
882 change of address as a request for transfer and shall send a voter registration card as confirmation of the
883 transfer to the voter pursuant to § 24.2-424.

884 **§ 24.2-410.5. Placement on inactive status; other initiating events for confirmation**
885 **notification process.**

886 A. If a registered voter who has been sent a return card pursuant to § 24.2-410.4 does not return
887 such card within 30 days of it being sent to the voter, the registered voter's name shall be placed on inactive
888 status. A registered voter's failure to receive the notice shall not affect the validity of the inactivation.

889 B. The general registrars shall follow the confirmation notification process set forth in § 24.2-
890 410.4 if:

891 1. A registered voter provides an address on a candidate or referendum petition that differs from
892 the address for the voter on the voter registration system; or

893 2. Any of the following documents were sent to a registered voter and are returned by the United
894 States Postal Service as undeliverable:

895 a. An acknowledgment of registration;

896 b. An acknowledgment of transfer to a new address;

897 c. An absentee ballot or application for an absentee ballot sent or provided in accordance with
898 Chapter 7 (§ 24.2-700 et seq.);

899 d. Notification to a voter after a precinct reassignment;

900 e. Notification of a change of address sent to a voter in accordance with subsection B of § 24.2-
901 410.4; or

902 f. Any official voter registration or election mail.

903 **§ 24.2-410.6. Return of registered voter to active status; cancellation after period of**
904 **inactivity.**

905 A. In accordance with the National Voter Registration Act of 1993 (52 U.S.C. § 20501 et seq.), a
906 registered voter shall be returned to active status from inactive status if, during the period beginning on

907 the date the voter was assigned to inactive status and ending on the day of the second general election for
908 federal office thereafter, the voter:

- 909 1. Notifies the general registrar of a change of address within the county or city;
910 2. Responds to a confirmation notice with information that the voter continues to reside at the
911 registration address;
912 3. Votes or attempts to vote in a primary or a special or general election and, if necessary, corrects
913 the registration record; or
914 4. Transfers his registration to another county or city within the Commonwealth pursuant to § 24.2-
915 424 or subsection E of § 24.2-410.4.

916 B. In accordance with the National Voter Registration Act of 1993 (52 U.S.C. § 20501 et seq.), a
917 registered voter assigned inactive status shall have his voter registration canceled if, during the period
918 beginning on the date the voter was assigned to inactive status and ending on the day of the second general
919 election for federal office thereafter, the voter fails to take an action set out in subdivisions A 1 through
920 4.

921 C. The general registrar shall post at the courthouse or have published in a newspaper of general
922 circulation in his county or city a list of names of persons whose registration has been canceled pursuant
923 to this section. The general registrar shall deliver or mail, obtaining a certificate of mailing, a certified
924 copy of the list to the chairman of each political party in his county or city.

925 **§ 24.2-426.1. Cancellation of registration by voter.**

926 A. Any registered voter may cancel his registration by submitting to the general registrar a written
927 authorization, signed by the voter, that his voter registration shall be canceled. Such cancellation
928 authorization shall be made at least 22 days prior to an election in order to be valid in that election, unless
929 such cancellation authorization is made in person or notarized. Within 10 days of receiving such
930 authorization, the general registrar shall acknowledge receipt of the authorization and advise the voter by
931 first-class mail, or in person if such authorization is made in person, that his registration has been canceled.

932 B. Notice received by a general registrar from the registration official of another jurisdiction, or
933 signed by the voter, that a registered voter has moved from the Commonwealth or that the registered voter

934 has registered to vote outside the Commonwealth subsequent to his registration in the Commonwealth
935 shall be considered a written authorization from the voter to have his registration canceled. Information
936 received through a list exchange or list comparison pursuant to § 24.2-410.3 shall not be deemed to be
937 notice for purposes of this subsection.

938 **§ 24.2-427. Cancellation of registration for persons known to be deceased or disqualified to**
939 **vote.**

940 ~~A. Any registered voter may cancel his registration and have his name removed from the central~~
941 ~~registration records by signing an authorization for cancellation and mailing or otherwise submitting the~~
942 ~~signed authorization to the general registrar. When submitted by any means other than when notarized or~~
943 ~~in person, such cancellation must be made at least 22 days prior to an election in order to be valid in that~~
944 ~~election. The general registrar shall acknowledge receipt of the authorization and advise the voter in person~~
945 ~~or by first class mail that his registration has been canceled within 10 days of receipt of such authorization.~~

946 ~~B. The general registrar shall promptly cancel the registration of (i) all persons known by him to~~
947 ~~be deceased; (ii) all persons known by him to be disqualified to vote by reason of a felony conviction or~~
948 ~~adjudication of incapacity; (iii) all persons known by him not to be United States citizens by reason of~~
949 ~~reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of~~
950 ~~Elections based on information received from the Systematic Alien Verification for Entitlements Program~~
951 ~~(SAVE Program) pursuant to subsection E of § 24.2-404 and in accordance with the requirements of~~
952 ~~subsection C; (iv) all persons for whom a notice has been received, signed by the voter, or from the~~
953 ~~registration official of another jurisdiction that the voter has moved from the Commonwealth; and (v) all~~
954 ~~persons for whom a notice has been received, signed by the voter, or from the registration official of~~
955 ~~another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his~~
956 ~~registration in Virginia or disqualified to vote in accordance with the provisions of this section. A voter's~~
957 registration may be canceled at any time during the year in which the general registrar discovers that the
958 person is no longer entitled to be registered. The general registrar shall provide notice of any cancellation
959 to the person whose registration is canceled, by mail to the address listed in the voter's registration record
960 and by email to the email address provided on the voter's registration application, if one was provided.

961 ~~The notice received in clauses (iv) and (v) shall be considered as a written request from the voter to have~~
962 ~~his registration cancelled. A voter's registration may be cancelled at any time during the year in which the~~
963 ~~general registrar discovers that the person is no longer entitled to be registered. The general registrar shall~~
964 ~~provide notice of any cancellation to the person whose registration is cancelled, by mail to the address~~
965 ~~listed in the voter's registration record and by email to the email address provided on the voter's registration~~
966 ~~application, if one was provided.~~

967 ~~C. The~~ B. Upon receipt of a report from the Department of Motor Vehicles pursuant to § 24.2-
968 410.1 or from the Department of Elections based on information received from the Systematic Alien
969 Verification for Entitlements Program (SAVE Program) pursuant to subsection E of § 24.2-404, the
970 general registrar shall mail notice promptly to all persons known by him not to be listed in the report as
971 not being a citizen of the United States ~~citizens by reason of a report from the Department of Motor~~
972 ~~Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received~~
973 ~~from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection~~
974 ~~E of § 24.2-404 prior to cancelling their~~ the registrations of such persons. The notice shall inform the
975 person of the report from the Department of Motor Vehicles or from the Department of Elections and
976 allow the person to submit his sworn statement that he is a United States citizen within 14 days of the date
977 that the notice was mailed. The general registrar shall cancel the registrations of such persons who do not
978 respond within 14 days to the notice that they have been reported not to be United States citizens.

979 ~~D. The~~ C. Upon receipt of notice from the Department of Elections pursuant to § 24.2-409 that a
980 registered voter has been convicted of a felony, the general registrar shall (i) process the Department's
981 most recent list of persons convicted of felonies within 21 to 14 days before any primary or general
982 election, (ii) cancel the registration of any registered voter shown to have been convicted of a felony who
983 has not provided evidence that his right to vote has been restored, and (iii) send prompt notice to the person
984 of the cancellation of his registration. If it appears that any registered voter has made a false statement on
985 his registration application with respect to his having been convicted of a felony, the general registrar shall
986 report the fact to the attorney for the Commonwealth for prosecution under § 24.2-1016 for a false
987 statement made on his registration application mail notice promptly to the registered voter prior to

988 cancelling such person's registration. The notice shall inform the person of the report from the Central
989 Criminal Records Exchange and allow the person to submit his sworn statement that he has not been
990 convicted of a felony or that, if having been convicted of a felony, his right to vote has been restored. Such
991 statement shall be submitted to the general registrar within 14 days of the date that the notice was mailed
992 and the registrar shall cancel the registration of any such person who does not respond within such time.

993 ~~E. The~~ D. Upon receipt of a notice submitted to the Department of Motor Vehicles in accordance
994 with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of Title 46.2 that
995 a registered voter has moved from the Commonwealth, the general registrar may cancel the registration
996 of any such person for whom a notice has been submitted to the Department of Motor Vehicles in
997 accordance with the Driver License Compact set out in Article 18 (§ 46.2-483 et seq.) of Chapter 3 of
998 Title 46.2 and forwarded to the general registrar, that the voter has moved from the Commonwealth;
999 provided that the. Prior to cancelling a registration pursuant to this subsection, the general registrar shall
1000 mail notice of such cancellation to the person at both his new address, as reported to the Department of
1001 Motor Vehicles, and the address at which he had most recently been registered in Virginia. No general
1002 registrar may cancel registrations under this authority while the registration records are closed pursuant to
1003 § 24.2-416. No registrar may cancel the registration under this authority subsection of any person entitled
1004 to register under the provisions of subsection A of § 24.2-420.1, and shall reinstate the registration of any
1005 otherwise qualified voter covered by subsection A of § 24.2-420.1 who applies to vote within four years
1006 of the date of cancellation.

1007 **§ 24.2-435. Records related to cancellation of registration; retention period.**

1008 The registration records of voters whose registration has been ~~cancelled~~ canceled pursuant to this
1009 article shall be retained for ~~two~~ four years from the date of cancellation by the general registrar. ~~However,~~
1010 ~~the registration records of voters whose registration has been cancelled because the voter has moved to~~
1011 ~~another state or the voter has submitted changes to his registration records shall be retained for four years.~~
1012 The cancellation records required by subdivision A 5 of § 24.2-404 shall also be retained for four years
1013 from the date of cancellation by the general registrar.

1014 § 24.2-444. Duties of general registrars and Department of Elections as to voter registration
1015 records; public inspection; exceptions.

1016 A. Registration records shall be kept and preserved by the general registrar in compliance with §§
1017 2.2-3803, 2.2-3808, and 24.2-114. The Department shall provide to each general registrar, for each
1018 precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name,
1019 address, year of birth, gender and all election districts applicable to each registered voter. The lists shall
1020 be opened to public inspection at the office of the general registrar when the office is open for business.
1021 New lists shall be provided not less than once each year to all localities except those in which an updated
1022 list is made available electronically for public inspection, and supplements containing additions, deletions,
1023 and changes shall be provided not less than (i) weekly during the 60 days preceding any general election
1024 and (ii) monthly at other times. Notwithstanding any other provision of law regarding the retention of
1025 records, upon receipt of any new complete list, the general registrar shall destroy the obsolete list and its
1026 supplements. The Department shall provide to each general registrar lists of persons denied registration
1027 for public inspection. Such lists may be provided electronically through the Virginia voter registration
1028 system and produced in whole or in part upon a request for public inspection.

1029 B. The general registrars shall maintain for at least two years and shall make available for public
1030 inspection and copying and, where available, photocopying at a reasonable cost, all records concerning
1031 the implementation of programs and activities conducted for the purpose of ensuring the accuracy and
1032 currency of the registration records pursuant to §§ 24.2-410.4, 24.2-410.5, and 24.2-427, ~~24.2-428 and~~
1033 ~~24.2-428.1~~, including lists of the names and addresses of all persons to whom notices are sent, and
1034 information concerning whether each person has responded to the notice as of the date that inspection of
1035 the records is made.

1036 C. No list provided by the Department under subsection A nor any record made available for public
1037 inspection under subsection B shall contain any of the following information: (i) an individual's social
1038 security number, or any part thereof; (ii) the residence address of an individual who has furnished a post
1039 office box address in lieu of his residence address as authorized by subsection B of § 24.2-418; (iii) the
1040 declination by an individual to register to vote and related records; (iv) the identity of a voter registration

1041 agency through which a particular voter is registered; or (v) the day and month of birth of an individual.
 1042 No voter registration records other than the lists provided by the Department under subsection A and the
 1043 records made available under subsection B shall be open to public inspection.

1044 **§ 24.2-703.1. Permanent absentee voter list.**

1045 A. Any registered voter shall be eligible to file a special application to receive absentee ballots for
 1046 all elections in which he is eligible to vote. Such application shall be on a form approved by the State
 1047 Board. The absentee ballots sent to a voter on the permanent absentee voter list shall be sent to the address
 1048 in the voter's registration record, except as provided in subdivision C 1.

1049 B. In accordance with procedures established by the State Board, the general registrar shall retain
 1050 the application, enroll the applicant on a permanent absentee voter list, and process the applicant's request
 1051 for an absentee ballot for each succeeding election. The applicant shall specify by party designation the
 1052 primary ballots he is requesting.

1053 C. The State Board shall prescribe the process by which a voter on the permanent absentee voter
 1054 list may:

1055 1. Request that his absentee ballot for (i) a single election or (ii) a primary election and the
 1056 following general election be sent to an address other than the address on his voter registration record.

1057 2. Request a primary ballot for a political party other than the one he specified on his application
 1058 for permanent absentee voter status for a single primary election.

1059 3. Change his political party selection for all succeeding primary elections.

1060 D. A voter shall be removed from the permanent absentee voter list if (i) the voter requests in
 1061 writing to be removed from the list, (ii) the voter's registration is canceled pursuant to § 24.2-427, (iii) the
 1062 voter's registration is placed on inactive status pursuant to ~~§ 24.2-428 or 24.2-428.1~~ 24.2-410.4 or 24.2-
 1063 410.5, or (iv) the voter moves to a different address not in the same county or city of his registration.

1064 **2. That §§ 24.2-404.3, 24.2-404.4, 24.2-410.2, 24.2-428, 24.2-428.1, and 24.2-428.2 of the Code of**
 1065 **Virginia are repealed.**

1066 #