

HOUSE JOINT RESOLUTION NO. 22

Offered January 8, 2014

Prefiled December 20, 2013

Requesting the State Board of Elections to study the evolution of the duties of the general registrars. Report.

Patrons-- Minchew and LaRock

Referred to Committee on Rules

WHEREAS, the last study of the appropriate role and responsibilities of the general registrars was conducted in 1991; and

WHEREAS, in the last 20 years, the population of and the number of registered voters in the Commonwealth has increased; and

WHEREAS, in the last 20 years, the number and types of elections held each year have increased, and substantial advances have been achieved in the type and complexity of technological systems used for voter registration and election administration and management; and

WHEREAS, a primary responsibility of general registrars is voter registration, and a primary responsibility of electoral boards is election administration, but in some localities the general registrars are performing responsibilities designated to the electoral boards; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the State Board of Elections be requested to study the evolution of the duties of the general registrars.

In conducting its study, the State Board of Elections shall assemble a work group consisting of at least one member of the State Board; general registrars of localities representing a cross-section of the Commonwealth; members of the electoral boards of localities representing a cross-section of the Commonwealth; and such other persons as the State Board deems necessary. This work group shall meet at least three times.

The work group shall review the duties of the general registrars set out in the Code of Virginia and the Virginia Administrative Code and compare those statutory and regulatory duties with the duties currently undertaken by general registrars. The work group shall also identify any duties currently undertaken by the general registrars and concurrently designated to the electoral boards.

The work group shall evaluate the impacts of (i) increases in the overall population of the Commonwealth and the number of registered voters in the Commonwealth, (ii) increases in the number and types of elections, and (iii) changes in the manner in which votes in those elections may be cast on the workload of the general registrars.

The work group shall evaluate the impact of advances in technological systems utilized for voter registration and election administration processes on the educational and training requirements of general registrars.

All agencies of the Commonwealth shall provide assistance to the State Board for this study, upon request.

The work group shall complete its meetings by November 30, 2014, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as

provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2015 Regular Session of the General Assembly and shall be posted on the General Assembly's website

HISTORY

- 12/20/13 House: Prefiled and ordered printed; offered 01/08/14 14102947D
- [12/20/13 House: Referred to Committee on Rules](#)
- [01/28/14 House: Assigned Rules sub: Studies](#)
- 01/30/14 House: Subcommittee recommends laying on the table by voice vote
- 02/12/14 House: Left in Rules

Patron: Sen. Jill Holtzman Vogel

- - **VIRGINIA ACTS OF ASSEMBLY -- CHAPTER**
 - *An Act to amend and reenact § [24.2-404](#) of the Code of Virginia, relating to elections; voter registration; duties of State Board of Elections.*
 - [S 315]
 - Approved
-
- Be it enacted by the General Assembly of Virginia:
- 1. That § [24.2-404](#) of the Code of Virginia is amended and reenacted as follows:
- § [24.2-404](#). Duties of State Board.
- A. The State Board shall provide for the continuing operation and maintenance of a central recordkeeping system, the Virginia Voter Registration System, for all voters registered in the Commonwealth.
- In order to operate and maintain the system, the Board shall:
- 1. Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.
- 2. Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.
- 3. (Effective until July 1, 2014) Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places.
- 3. (Effective July 1, 2014) Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places and voter registration cards containing the voter's photograph and signature for free for those voters who do not have one of the forms of identification specified in subsection B of § [24.2-643](#). The Board shall promulgate rules and regulations authorizing each general registrar to obtain a photograph and signature of a voter who does not have one of the forms of identification specified in subsection B of § [24.2-643](#) for the purpose of providing such voter a registration card containing the voter's photograph and signature. The Board shall provide each general registrar with the equipment necessary to obtain a voter's signature and photograph and no general registrar shall be required to purchase such equipment at his own expense. Photographs and signatures obtained by a general registrar shall be submitted to the Board. The Board may contract with an outside vendor for the production and distribution of voter registration cards containing the voter's photograph and signature.

- 4. Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, (v) is known not to be a United States citizen by reason of reports from the Department of Motor Vehicles pursuant to § [24.2-410.1](#) or from the State Board based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program) pursuant to subsection E, or (vi) is otherwise no longer qualified to vote as may be provided by law. Such action shall be taken no later than 30 days after notification from the Board. The Board shall promptly provide the information referred to in this subdivision, upon receiving it, to general registrars.
- 5. Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.
- 6. Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ [24.2-408](#) through [24.2-410](#).
- 7. Provide to each general registrar, at least 16 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks. The State Board shall provide instructions for the division of the pollbooks and precinct lists into sections to accommodate the efficient processing of voter lines at the polls. Prior to any general, primary, or special election, the State Board shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city. If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the State Board shall provide a regional or statewide list of registered voters to the general registrar of the locality. The State Board shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list of registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.
- 8. Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.
- 9. Use any source of information that may assist in carrying out the purposes of this section. All agencies of the Commonwealth shall cooperate with the State Board in procuring and exchanging identification information for the purpose of maintaining the voter registration system. The State Board may share any information that it receives from another agency of the Commonwealth with any Chief Election Officer of another state for the maintenance of the voter registration system.
- 10. Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia.
- 11. Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the State Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.
- B. The State Board shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia Voter Registration System by any appropriate means including, but not limited to, paper and electronic means.
- C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled. As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.
- D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.
- E. The State Board shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the State

Board shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.

- *F. The State Board shall report annually by August 1 for the preceding 12 months ending June 30 to the Committees on Privileges and Elections on each of its activities undertaken to maintain the Virginia voter registration system and the results of those activities. The Board's report shall encompass activities undertaken pursuant to 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](#), [24.2-409.1](#), [24.2-410](#), [24.2-410.1](#), [24.2-427](#), and [24.2-428](#).*

HISTORY

- 01/06/14 Senate: Prefiled and ordered printed; offered 01/08/14 14102842D
- [01/06/14 Senate: Referred to Committee on Privileges and Elections](#)
- [01/21/14 Senate: Reported from Privileges and Elections with substitute \(14-Y 0-N\)](#)
- 01/21/14 Senate: Committee substitute printed 14104250D-S1
- [01/23/14 Senate: Constitutional reading dispensed \(37-Y 0-N\)](#)
- 01/24/14 Senate: Read second time
- 01/24/14 Senate: Reading of substitute waived
- 01/24/14 Senate: Committee substitute agreed to 14104250D-S1
- 01/24/14 Senate: Engrossed by Senate - committee substitute SB315S1
- [01/27/14 Senate: Read third time and passed Senate \(39-Y 0-N\)](#)
- 01/31/14 House: Placed on Calendar
- 01/31/14 House: Read first time
- [01/31/14 House: Referred to Committee on Privileges and Elections](#)
- [02/06/14 House: Assigned P & E sub: Campaign Finance](#)
- [02/26/14 House: Subcommittee recommends reporting \(4-Y 0-N\)](#)
- [02/28/14 House: Reported from Privileges and Elections \(20-Y 1-N\)](#)
- 03/03/14 House: Read second time
- 03/04/14 House: Read third time
- 03/04/14 House: Passed House (97-Y 1-N)
- [03/04/14 House: VOTE: PASSAGE \(97-Y 1-N\)](#)
- 03/06/14 Senate: Enrolled
- 03/06/14 Senate: Bill text as passed Senate and House (SB315ER)
- 03/06/14 House: Signed by Speaker
- 03/09/14 Senate: Signed by President
- 03/31/14 Governor: Approved by Governor-Chapter 452 (effective 7/1/14)
- 03/31/14 Governor: Acts of Assembly Chapter text (CHAP0452)



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

R. STEVEN (STEVE) LANDES
POST OFFICE BOX 12
VERONA, VIRGINIA 24482

TWENTY-FIFTH DISTRICT

COMMITTEE ASSIGNMENTS:
EDUCATION (CHAIRMAN)
APPROPRIATIONS (VICE CHAIRMAN)
PRIVILEGES AND ELECTIONS
RULES

April 10, 2014

Mr. Robin Lin
Hope Springs
Manakin-Sabot, Virginia 23103

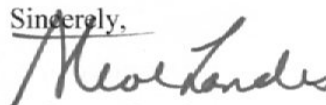
Dear Robin:

Thank you for your letter regarding the request for a review of the duties of the general registrars and their compensation. Although I do support the concept of a study, I misunderstood the mechanism of how this would take place. Delegate Minchew's House Joint Resolution 22, asked for the study to be conducted by the State Board of Elections, with a work group consisting of a member of the State Board, general registrars of localities, and members of electoral boards of localities.

Generally, when a request for a study is to be made, the General Assembly will request the study to be made through a legislative agency or body.

HJR 22 required assembling a work group which would meet and submit its report to the General Assembly by November 30, 2014, and have an agency be responsible. It was my understanding they could accomplish the goal without authorization or a resolution. The Rules Committee, as you know, decided not to move the resolution forward.

Thank you for your letter, and I am sorry I misunderstood the mechanism that was decided to accomplish your goal.

Sincerely,

R. Steven Landes

RSL/jww