



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Annual List Maintenance Report

July 1, 2015 – June 30, 2016

Executive Summary

The Department of Elections (ELECT) is pleased to report to the members of the Privileges and Elections Committees of the Virginia General Assembly in accordance with the Code of Virginia sections § 24.2-404 (F) and § 24.2-404.4 which requires the ELECT to report annually on each of its activities undertaken to maintain the Virginia voter registration system.

ELECT is charged by federal and state law to maintain a central voter registration database. § 24.2-404 charges ELECT with maintaining a “complete, separate, and accurate record of all registered voters in the Commonwealth.” Virginia was a leader in this area as one of the first states in the country to introduce a centralized voter registration database. In 2007, the state introduced the Voter and Election Registration Information System (VERIS) which expanded the database to include other processes handled by ELECT such as candidate and petition processing as well as list maintenance reporting. One such report is derived from VERIS and posted monthly on our website. The report documents Virginia’s registration statistics and can be found here:

<http://www.elections.virginia.gov/resultsreports/registration-statistics/index.html>

Virginia maintains its voter registration list through a variety of processes. Each of those processes is introduced below, along with references to the section of the Code of Virginia whereby ELECT derives its authority to conduct such activities.

Maintaining an accurate list of registered voters requires using a mix of General Fund and federal dollars granted to Virginia through the Help America Vote Act (HAVA). Virginia’s allotted HAVA funds are quickly diminishing and these activities will need to be maintained solely with General Funds in future years.

Virginia is a national leader in comparing our voter registration data against other states as evidenced by being one of only a few states to participate in both programs; however, our membership plus printing and postage for the mailings required for these programs cost in excess of \$300,000 annually. These costs are tangible, but the increase in processes required to perform these list maintenance activities require hiring additional skilled technical staff which can process the data, analyze it, and provide it to the local general registrars through our central voter registration database. Other activities such as felon, death, and non-citizen maintenance activities are also discussed below and do not have a specific dollar figure attached, but require a significant portion of staff time.

ELECT relies heavily on local electoral boards, general registrars, and their staff to ensure an accurate list. More and more is being asked of our local voter registration offices to accurately and timely process data reviewed and analyzed by ELECT and loaded into the database. Our

successes in maintaining our list would not be possible without their involvement and outstanding dedication and hard work.

Confirmation Mailings

Pursuant to state (§ 24.2-428) and federal law, ELECT conducts an annual address match of Virginia's voters against records in the United States Postal Service's (USPS) National Change of Address (NCOA) registry. The NCOA database consists of information reporting change of address requests submitted by individuals to the USPS when moving. The USPS records the change of address requests and shares that information with commercial vendors for a variety of purposes.

ELECT annually submits the entire list of registered voters to a vendor to determine if any voters have submitted a change of address with the USPS. Voters who have a standing change of address with the USPS are then sent a confirmation mailing to the last known Virginia address asking the voter to verify their address or request cancellation of the voter's record. Voters are provided a postage prepaid envelope where the voter can respond confirming that his/her address did or did not change and requesting the general registrar to cancel his/her registration, if appropriate.

Voters who do not respond to the notice within 30 days or whose confirmation mailing is returned as undeliverable are moved to an inactive status. Those voters will then be removed from the rolls if they fail to vote over a period of two federal general elections (2 to 4 years). During this reporting period, ELECT completed an annual National Change of Address match in July 2015. Approximately, 265,990 voters were mailed a confirmation notice. As a result of this process, approximately 152,164 voters were moved from active to inactive status in November 2015, after the General Election.

Following each federal general election, ELECT will cancel those individuals who have been on the inactive list without voting for a period of two federal general elections. Following the 2014 General Election, SBE cancelled approximately 135,140 inactive records from the voter rolls.

Comparison of Data with Other States

When a voter moves out of state and registers to vote in their new state, the voter should indicate to the new state that they were previously registered in Virginia. The new state should then notify Virginia that the voter wants to cancel their Virginia voter registration. This process is extremely slow, relies on self-reporting by voters and other states, and it is prone to errors.

The Code of Virginia section § 24.2-404.4 requires ELECT to attempt to establish a data sharing relationship with the neighboring states to maintain the accuracy of the voter registration list. ELECT meets and surpasses this requirement by participating in national data sharing

agreements promoted by the Presidential Commission on Election Administration that results in acquiring registered voter data for a total of 34 states for use in list maintenance activities.

ELECT participates in the Interstate Voter Registration Crosscheck Program (Crosscheck) run by the State of Kansas. Each January, the participating states share their voter registration lists and receive back a list of potential duplicate registrations. In January 2016, 25 states shared approximately 98,725,000 records. The timing for receiving the initial data from Crosscheck varies in any given year, from as early as February to as late as April. Participating states in 2016 included Alabama, Arizona, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New York, North Carolina, Ohio, Oklahoma, South Dakota, and Tennessee. As a result of this match, ELECT identified 73,798 registered voters who were potentially registered in one of the other states after their last date of activity in Virginia.

ELECT also participates in the Electronic Registration Information Center (ERIC) and started sharing data with this program on a regular basis in January 2014. States participating in ERIC during the reporting period include Colorado, Connecticut, Delaware, Illinois, Louisiana, Maryland, Minnesota, Nevada, Oregon, Rhode Island, Utah, Washington, and Washington, D.C. During the period of this report, 37,803 voters were identified as potentially having registered in one of the other states after their last date of activity in Virginia.

Voters identified in these two programs were entered into the confirmation process provided for in the National Voter Registration Act (NVRA) and in the Code of Virginia section § 24.2-428 and received a confirmation mailer at their Virginia address. In addition, ELECT sent a cancellation request mailer to their out-of-state address. This project is reflective of Virginia's role as a national leader in effective list maintenance programs. The out-of-state mailer project is expected to reach voters sooner after they move allowing the voter to cancel their registration immediately without having to wait for the routine confirmation process.

The Crosscheck program does not have a direct fee associated with it, however, the initial data received from Crosscheck requires significant agency handling to determine what data is usable and what data is not usable. Crosscheck data is prone to false positives since the initial matching is only conducted using first name, last name, and date of birth. The need to greatly refine and analyze Crosscheck data has required significant ELECT staff resources that are not accounted for when proponents claim the program is "free."

The ERIC program had a \$59,758.00 membership fee during the last membership cycle. That cost will go down with each new state that comes on board and the data quality from the ERIC program is significantly better than the Crosscheck program. In addition, ERIC provides for the use of Department of Motor Vehicle (DMV) data and other potential data sources allowing for a more robust matching program.

Membership in ERIC also requires ELECT to reach out to voters identified as having incorrect information and to individuals who are not yet registered to vote, but appear to be eligible.

From July 1, 2015 – June 30, 2016, 111,260 voters were mailed a cancellation request mailer at their out-of-state address and 61,853 voters were cancelled after registering to vote in another state.

Felon Records

Felon records are received by ELECT from two sources:

- § 24.2-409 requires the Virginia State Police (VSP) Central Criminal Record Exchange (CCRE) to provide ELECT with monthly lists of felony convictions. This section of the Code of Virginia also requires CCRE to provide ELECT with an annual list of all felony convictions.
- NVRA requires that the U.S. Attorney's Offices provide ELECT with felony conviction information on the federal level. § 24.2-409.1 requires ELECT to share this information with the local general registrars.

Each month, the data from CCRE downloaded from the VSP is loaded into the Virginia voter registration system. The federal felony conviction information is received on paper at ELECT, and staff enters the conviction information into the voter registration system. The records are matched against existing registered voters and any potential matches are provided to the responsible local general registrar for further review and processing.

During the next reporting period, ELECT will add two additional sources for felony conviction information – the Department of Corrections and the Compensation Board. The addition of these two data sources will lead to inclusion of felony conviction data that may not currently reach CCRE in a timely manner, particularly for felony convictions that result in short periods of incarceration served in local jails.

From July 1, 2015 – June 30, 2016, 6,135 voters were cancelled after a felony conviction was reported to ELECT.

Mentally Incapacitated Adjudications

Pursuant to § 24.2-410 of the Code of Virginia, the clerks of the circuit courts send ELECT a paper-based monthly report indicating any individuals who were adjudicated mentally incapacitated. Staff enters the information into the voter registration system and the records are matched against existing registered voters. Any potential matches are provided to the responsible local general registrar for further review and processing. ELECT plans to work with

the Office of the Executive Secretary to move towards electronic transmission of adjudication data in future reporting periods due to legislation passed during the 2015 General Assembly session allowing for sharing the data by electronic means.

From July 1, 2015 – June 30, 2016, 534 voters were cancelled after a mentally incapacitated adjudication was reported to ELECT.

Non-Citizen Records

The Code of Virginia section § 24.2-410.1 requires the Department of Motor Vehicles (DMV) to ask its applicants if they are a citizen or not. If the applicant indicates that they are not a citizen, the DMV provides their information to ELECT. ELECT matches the information to the voter registration list and any potential matches are provided to the responsible local general registrar for further review and processing.

The Code of Virginia section § 24.2-427(B) authorizes ELECT to use the Department of Homeland Security's (DHS's) Systematic Alien Verification for Entitlements Program (SAVE Program) for purposes of verifying citizenship status. ELECT has established a memorandum of understanding with DHS and conducted required training for its staff members on the use of the system. Initial training was delayed while the SAVE Program was making substantial changes to its system that would have a significant impact on how Virginia and other states utilize the system for voting-related purposes. The SBE established regulations including the use of the SAVE Program into existing processes in 1 VAC 20-40-70. While ELECT has an existing MOU in accordance with state law and has received training to utilize the SAVE Program, no benefit or potential use is actually possible for voter registration purposes. In order to look up individuals in the system, an alien number, document type, and document number issued by DHS is required. The provision of this information by an individual would already be a basis for a general registrar to deny a registration application based on non-citizen status. In addition, the SAVE Program only contains the information for individuals residing in the U.S. in a formal immigration status. Natural born citizens and undocumented immigrants would not be identified using the SAVE Program.

From July 1, 2015 – June 30, 2016, 404 voters were cancelled after declaring themselves to be a non-citizen.

Death Records

Two sections of code provide instruction to ELECT in regards to ensuring that voters who have died are removed from the voter registration list in a timely manner:

- § 24.2-404.3 requires ELECT to conduct a match of the voter registration list against the list of deceased persons maintained by the Social Security Administration (SSA). The SSA distributes its death records through the U.S. Department of Commerce's National Technical Information Service (NTIS). ELECT subscribes to a monthly update data service from the NTIS so that it can obtain this data.
- § 24.2-408 requires the Bureau of Vital Statistics at the Virginia Department of Health (BVS) to provide to the SBE with a monthly list of those who have died in the previous month. Currently, the BVS uploads a monthly file to ELECT containing these records.

Each month, the data from NTIS and BVS is loaded into the Virginia voter registration system. The records are matched against existing registered voters and any potential matches are provided to the responsible local general registrar for further review and processing.

ELECT also receives a death report from the Electronic Registration Information Center (ERIC). ERIC also subscribes to the NTIS data and compares Virginia's data to the SSA data. Death records identified by the ERIC process are also provided to the responsible local general registrar for further review and processing.

ELECT pays \$2,730 for its annual subscription for the SSA data. The BVS data is provided free of charge.

From July 1, 2015 – June 30, 2016, 41,943 voters were cancelled due to having been identified as deceased.

Diagram: List Maintenance Sources and Processing Frequency

