



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Annual List Maintenance Report

July 1, 2016 – June 30, 2017

## Executive Summary

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In accordance with the Code of Virginia § 24.2-404 (F) and § 24.2-404.4, the Department of Elections (ELECT) is pleased to provide to the members of the Privileges and Elections Committees of the Virginia General Assembly the Annual List Maintenance Report which details the list maintenance activities undertaken to maintain the Virginia voter registration system.

ELECT is charged by federal and state law to maintain a central voter registration database. Va. Code § 24.2-404 charges ELECT with maintaining a “complete, separate, and accurate record of all registered voters in the Commonwealth.” As one of the first states in the country to introduce a centralized voter registration database, Virginia has consistently been a forward-thinking leader on list maintenance issues. In 2007, the state introduced the Voter and Election Registration Information System (VERIS), which expanded the database and enabled ELECT to handle other processes such as candidate and petition processing as well as list maintenance reporting. One of the many data reports available from VERIS is the Registration Statistics Report, which provides detailed numbers of registrants based on registration method and broken down by locality.

These reports are posted monthly and are available on our website:

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

Virginia maintains its voter registration list through a large number of different processes. Each of those processes is introduced below along with the relevant statutory references. Following the introductory section are detailed voter registration statistics reports created by VERIS based on information entered by local general registrars.

Currently, costs associated with maintaining an accurate list of registered voters and the statewide voter registration system are paid for with a mix of General Fund and federal dollars granted to Virginia through the Help America Vote Act (HAVA). The federal HAVA grant funds will be exhausted in Fiscal Year 2018. Accordingly, all future list maintenance costs must be paid for by state funds.

Virginia is recognized as a national leader in the area of list maintenance for many reasons. One important reason is Virginia’s ongoing cooperation with many other states, including neighboring states, in sharing voter registration data and list information. This cooperation is streamlined through Virginia’s participation in both of the two nationally recognized voter file list maintenance partnerships in the country: the Electronic Registration Information Center (“ERIC”) and the Interstate Voter Registration Crosscheck Program (Crosscheck). The partnership agreements for these organizations ensure that the data is properly managed and place certain requirements on each partner state related to improving data quality. These program memberships and associated mailing costs generally result in an excess of \$300,000 in expenditures per year. These memberships costs are less expensive than the costs which would be incurred by ELECT if ELECT were required to create and manage an in-house program

resulting in the same quality of data. Other activities such as felon, death, and non-citizen maintenance activities are also discussed below and do not all have a specific dollar figure attached, but require a significant portion of staff time. The centralization of list maintenance activities reduces the cost and burden to local election officials, increases the accuracy of the voter registration list, and ensures uniformity across the Commonwealth in conducting proper list maintenance.

In addition, ELECT relies heavily on local electoral boards, general registrars, and their staff to ensure an accurate list. With the ultimate authority to retain, remove or update voters on the voter list, general registrars across the state process thousands of voter registration transactions per month, including removals. Virginia's continued exceptionalism in list maintenance activities is not possible without their involvement and outstanding dedication and hard work.

## Confirmation Mailings

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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. ELECT relies on this database to identify Virginia registered voters who may have moved and may need to update or cancel their voter registration.

Virginia voters who are identified as potential movers by the NCOA list are then sent a confirmation mailing to the last known Virginia address asking the voter to verify their residential address or request cancellation of their Virginia voter registration. These letters include a postage prepaid envelope by which 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 then classified as inactive on the voter registration file. Voters identified as inactive will be removed from the voter registration list if the voter fails to either vote or update his or her voter registration over a period of two federal general elections (2 to 4 years).

During the reporting period, July 1, 2016 – June 30, 2017, approximately 267,700 voters were mailed a confirmation notice or had their record updated (in-jurisdiction movers). As a result of this process, approximately 107,158 voters were classified as inactive in August 2016.

Following each federal general election, ELECT removes those registered voters who are classified as inactive and have not voted or updated their voter record for a period of two federal general elections. Following the 2016 General Election, ELECT cancelled approximately 181,246 registered voters classified as inactive from the Virginia voter registration list because they had neither voted nor updated their voter registration information.

## Comparison of Voter Registration Data with Other States

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When a Virginia registered voter moves out of state and registers to vote in their new state, the voter often notifies 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 often extremely slow, relies on self-reporting by voters and other states, and has not historically been a reliable source of information.

Va. Code § 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 complies with and exceeds 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 38 states for use in list maintenance activities. Please note that the number of partner states will increase as more states opt in to these cost effective list maintenance partnership agreements.

As noted above, ELECT participates in the two nationally recognized voter list state partnerships. Specifically, ELECT participates in the Interstate Voter Registration Crosscheck Program (Crosscheck) run by the State of Kansas. In the first quarter of each calendar year, the participating states share their voter registration lists and receive back a list of potential duplicate registrations. In January 2017, 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 2017 included Alabama, Arizona, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, North Carolina, Ohio, South Carolina, Tennessee and West Virginia. As a result of this match, ELECT identified 96,089 registered voters who potentially registered to vote 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 Alaska, Alabama, Colorado, Connecticut, Delaware, Illinois, Louisiana, Maryland, Minnesota, Nevada, New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington, Washington, D.C, West Virginia and Wisconsin. Virginia and other states routinely provide updated information to ERIC, as frequently as every month depending on the data source. During the period of this report, 97,061 voters were identified as potentially having registered in one of the other states after their last date of activity in Virginia.

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 § 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. 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. This additional mailer to the out-of-state address increases the likelihood that the registered voter will receive the notice and instruct ELECT to cancel their Virginia voter registration. This effective tactic is just one of the optional processes used by ELECT that makes Virginia a national leader in effective list maintenance programs.

Although the Crosscheck program does not have a direct fee associated with participation, the costs associated with properly processing the data obtained through this process are significant. The initial data received from Crosscheck requires significant agency processing to ensure the high data quality requirements under which the Virginia voter file is maintained. Historically, Crosscheck data has been prone to false positives since the initial matching is only conducted using first name, last name, and date of birth. Accordingly, 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 2017 Crosscheck data contained approximately 354,115 records which required further analysis by ELECT staff. Of these, ELECT staff concluded that only 96,089 records appeared to be potential accurate matches after conducting additional analysis, including matching the last 4 digits of the Social Security Number. Only approximately 36,697 records were ultimately flagged for confirmation mailers, as the remaining matches were voters already on inactive status. In total, only about 10.4% of the 2017 Crosscheck data was usable for list maintenance purposes.

The ERIC program had a \$41,744.00 membership fee during the last membership cycle. This membership fee decreases with each new state that joins and the data quality from the ERIC program is significantly better than the Crosscheck program. In addition, ERIC incorporates Department of Motor Vehicle (DMV) data and other data sources allowing for a more robust matching program. ERIC has recently added NCOA data, which means the state can discontinue its individual subscription to an NCOA vendor. This increases the value of ERIC membership and offsets some of the costs for the ERIC membership fee. This will also allow ELECT to receive NCOA data more frequently.

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, 2016 – June 30, 2017, approximately 204,826 voters were mailed a cancellation request mailer at their out-of-state address in May and June 2017. Approximately 59,007 voters were cancelled after registering to vote in another state during the same reporting window. Of note, 109,446 voters were mailed a cancellation request mailer at their out-of-state address in June 2016 as well.

## Felon Records

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Felon records are received by ELECT from two sources:

- Va. Code § 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.

From July 1, 2016 – June 30, 2017, 20,247 voters were cancelled after a felony conviction was reported to ELECT.

## Mentally Incapacitated Adjudications

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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 is currently working to develop a means of gathering this data electronically.

From July 1, 2016 – June 30, 2017, 521 voters were cancelled after a mentally incapacitated adjudication was reported to ELECT.

## Non-Citizen Records

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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. The DMV periodically sends the list of individuals who responded No to the citizenship question 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, which will result in removal if the registered voter does not affirm their U.S. citizenship in writing.

Va. Code § 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 (MOU) with DHS and conducted required training for its staff members on the use of the system. The SBE established regulations incorporating the use of the SAVE Program into existing processes in 1 VAC 20-40-70. While ELECT has had an MOU since 2014 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 list maintenance purposes due to one major flaw: 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, e.g., an alien number, by a voter registration applicant would itself be a basis for denial of 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 are not identified using the SAVE Program. For these reasons, the SAVE database is unusable for voter file list maintenance purposes at this time.

From July 1, 2016 – June 30, 2017, 1,686 voters were cancelled after declaring themselves to be a non-citizen.

## Death Records

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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:

- Va. Code § 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.
- Va. Code § 24.2-408 requires the Bureau of Vital Statistics at the Virginia Department of Health (BVS) to provide ELECT 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 currently pays \$2,730 for its annual subscription for the SSA data. The BVS data is provided free of charge. The addition of SSA data to ERIC will mean that the state can discontinue its individual subscription to NTIS in the future as this will now be an ERIC membership benefit. This increases the value of ERIC membership and offsets some of the costs for the ERIC membership fee.

From July 1, 2016 – June 30, 2017, 52,904 voters were cancelled due to having been identified as deceased.

# Diagram: List Maintenance Sources and Processing Frequency

